

Testimony of Troy Coons on behalf of
Northwest Landowners Association
in opposition to
HOUSE BILL NO. 1459
Senate Energy and Natural Resources Committee
April 3, 2025

Chairman Patten and members of the committee, thank you for taking my testimony into consideration today.

My name is Troy Coons and I am the Chairman of the Northwest Landowners Association.

Northwest Landowners Association represents hundreds of farmers, ranchers, and property owners in North Dakota. Northwest Landowners Association is a nonprofit organization, and I am not a paid lobbyist.

We remain opposed to HB 1459. This bill sheds light on an existing dispute between lessors and lessees of coal leases. There is a question in many leases as to whether when the lignite was leased, it included any of the things this bill describes as "critical minerals." This is an issue for the mineral owner and the lessee to resolve through discussions, negotiations, and litigation. Maybe for some, there is no dispute. For some, it may require litigation. But this bill will just pit the State of North Dakota against the landowners once again and use our tax dollars to fight us to take rights away from us.

The question is not "what is the right number for the royalty?" The question how much is just compensation? You cannot rewrite private contracts, and if you are setting a price it is because something is being taken.

If the goal is to create certainty and remove risk, we want to help, and will work cooperatively to find a constitutional path. But we are not being asked to help make this constitutional. We are being asked to help set up litigation. This bill only creates uncertainty and it does not help get this industry off the ground. Finding a path forward within the bounds of the constitution is the way to create certainty and we remain ready to do that.

We have always supported development and we do that through private contracts negotiated freely between the parties. This bill takes away our freedom to contract and imposes a contract on us we will not accept. We oppose HB 1459 and ask you for a do not pass recommendation.

Thank you,

Troy Coons

Northwest Landowners Association