

Testimony HB1423

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Testimony in Opposition for HB1423

To the Honorable Chairman and the members of the Committee, we submit these remarks on behalf of the Dakota Resource Council. Dakota Resource Council is North Dakota's only family farm and conservation organization and we have more than 600 members statewide.

We Oppose this Bill for the following reasons.

1. This bill takes away local control.

HB1423 would take away the last real remaining vestige of township power in North Dakota. In a hearing held in Casselton North Dakota on October 23, 2022 the North Dakota Department of Air and Water Quality heads told us that North Dakota law is set up to ensure that local control will keep out the most egregious projects in our state, but that will not be the case if there is no local control allowed.

This law is trying to be a cookie cutter solution when there are parts of North Dakota that would require special protections that are not required elsewhere. For example: we probably don't want a CAFO being put a few miles outside of Medora or on the banks of Devils Lake. Sure, maybe private entities or a county rich enough to afford a lawyer to defend their case will be able to fight back against a bad project, but almost everyone else is not going to be able to afford attorney fees.

2. Is this even legal?

Denying a government body the ability to access state funds unless a provision is met seems highly coercive at best and unconstitutional at worst. We live in a country that's ideals state that if you don't have the ability to afford legal representation one will be provided to you by the state. Townships should have the right to self governance and the ability to defend themselves in a court of law without strings attached. This is not an autocracy, this is a constitutional republic.

3. What does "validly" mean? Who determines what is valid?

This bill states that only valid complaints would be heard by the ag commissioner. We're under the impression that a court is the body that determines if a complaint is valid or not. If a government body outside of the courts can decide what can and can't be put in court, then what we would have is one branch of government overstepping its boundaries by acting as the judicial branch of government.

4. Takes away a township's ability to function as a government entity.

If this law is passed, what is the point of having a township? This is definitely not "small government" in any way and the township would just be there to charge taxes on roads and rubber stamp development projects. At this point you might as well just get rid of them if you are going to gut them this badly.

We would like to conclude this testimony by saying this bill goes against local control and small government and we recommend a DO NOT PASS.