

January 22, 2025

Dear Honorable Chairman Beltz and Members of the ND House Agricultural Committee

RE: 2025 House Bill 1396

When I became aware of this proposed bill, my first reaction was one of shock for my lifelong conservative principles to even comprehend this being a serious consideration.

Over the past decade, I have been challenged twice by the Sargent County Water Resource District to defend my constitutional landowner rights, subjecting me to tens of thousands of dollars of un-reimbursable litigation costs. After a recent 7-year court battle, the Supreme Court provided a decision that affirmed the landowner protections that have been in effect since the 1950s (2023 ND 230). However, relief was brief once it became clear that the District aimed to react with retaliation and retribution toward me. The District quickly devised approaches to minimize landowner protections, and sought legislation that would allow protests from landowners who disagree with District's decisions to be cast away easily.

The proposed legislation in HB 1396 clearly creates a pathway to ensure dissenting voices are awarded a separate class of citizenship, and their dissent for an unelected District's decision will result in their rights being held ransom to future penalties. Imagine if you will: a government entity forces payment of special assessment levies for public infrastructure but denies use of the facility because you believe the project costs to you do not exceed the benefits to you, merely all because of your statutory right of a vote. If this kind of retribution succeeds, what other governmental edicts can minimize dissent? I think the approach being discussed here is frightening if we recognize our Country's democracy. This proposed legislation truly chips away at the foundation of our faith in democracy. What decisions made by those in power now and seem acceptable to one's beliefs will be replaced in future with others. Don't take comfort that future powers may not use the same approach later to cast their decisions differently than today's.

The Sargent County Water Resource District members are naturally frustrated and perhaps embarrassed by two Supreme Court Decisions where landowners' rights were upheld. Perhaps this a "beg of forgiveness" or a quest of public mercy for their actions – I truly don't know.

I urge the Committee to not let the District's personal quest for sympathy for their errors be a reason to do away with laws that protect other landowners from such errors. I am now a retired rancher, crop producer, and accountant who resembles the majority of your own constituents. Please let your conscience guide you here. Feel free to contact me for further background.

Sincerely,

Paul Mathews

District 28 landowner

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