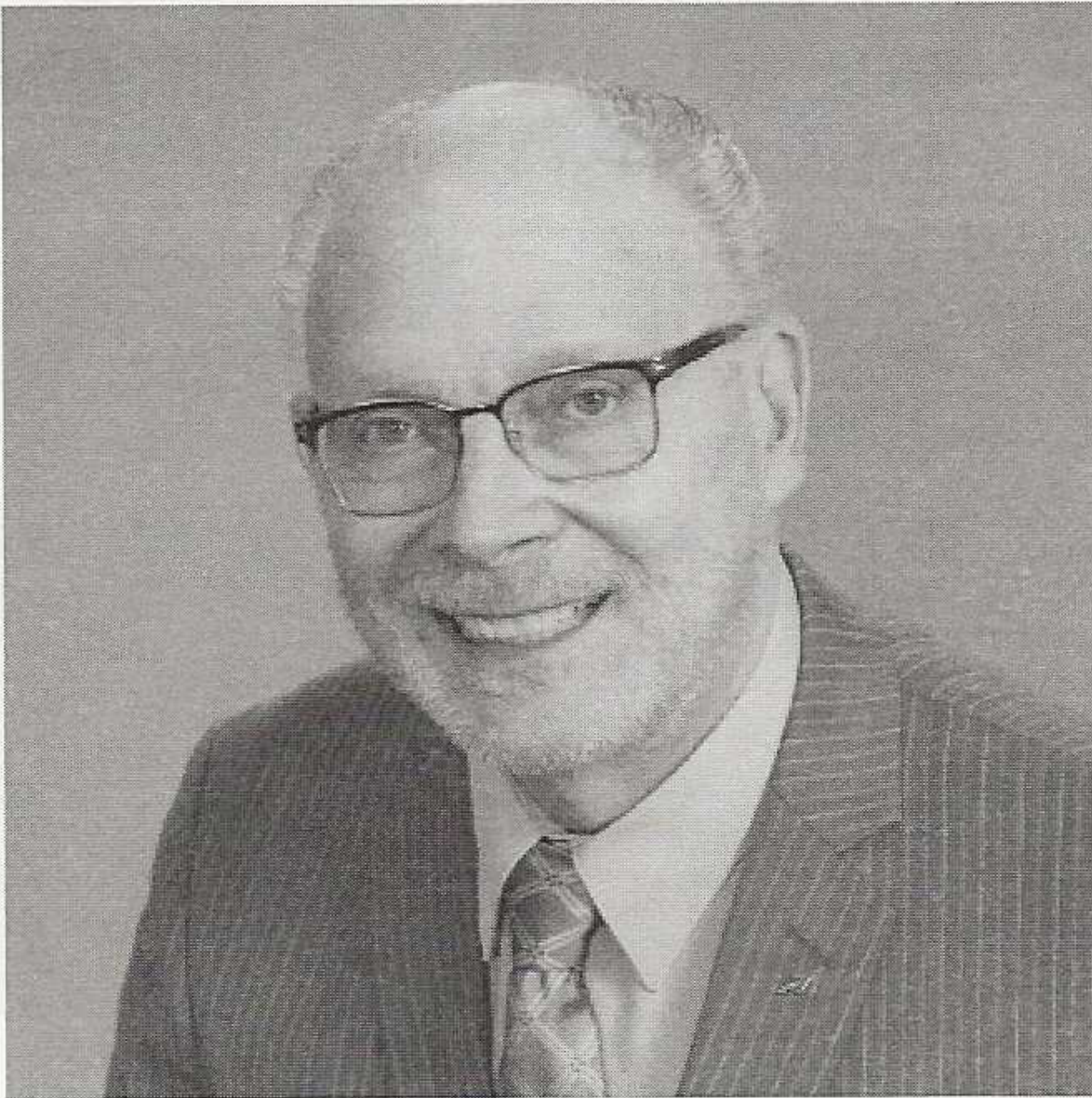


## Letter From the Chair



With crossover behind us, it's time to take stock of the bills that have passed or failed in either chamber—especially those that erode local control or punish citizens for standing up for property rights. As always, Dakota Resource Council (DRC) members, staff, and allies have testified in favor of local control, small-d democracy, and property rights.

However, as I noted in a previous column, the old liberal guard—including the ND Dem-NPL Party and the ND Farmers Union, groups we have historically counted on for support—can no longer be fully relied upon when it comes to protecting local control, democracy, and property rights.

Rather than summarizing testimony myself, I will use the words of our staff, members, and allies who submitted written testimony. The bills of particular concern are SB 2208, SB 2174, HB 1280, and HB 1396.

### **SB 2208: Protecting Local Autonomy from State Interference**

SB 2208 would have eliminated Prairie Dog (infrastructure) funding for local governments that enact ordinances restricting energy or agriculture projects. Fortunately, the bill failed after overwhelming opposition from local governments. It was clearly aimed at undermining DRC's local organizing efforts around CO2 pipelines and CAFOs.  
(CONTINUED ON PAGE 3)

### **Executive Committee**

Curt Stofferahn, Chair  
Linda Weiss, Vice Chair  
Curt Kralicek, Past Chair  
April Fairfield, Secretary  
Garret Zastoupil, Treasurer

### **At-Large**

Jenna Vanhorne  
Lisa DeVille

### **Affiliate Reps**

Vacant, BARC  
Vacant, Ft. Berthold POWER  
Donny Nelson, MCETA  
Vacant, MVRC

### **DRC Affiliates**

**Badlands Area Resource Council  
(BARC)**

**Fort Berthold Protectors of Water  
& Earth Rights (POWER)**

**McKenzie County Energies &  
Taxation Association  
(MCETA)**

**Missouri Valley Resource Council  
(MVRC)**

Dakota Resource Council  
1902 E. Divide Ave.  
Bismarck, ND 58501  
701-224-8587



**(LETTER FROM THE CHAIR CONTINUED)**

Richard Long of Edgeley, a DRC ally, put it best in his testimony:

**“Our legislators are introducing and supporting bills that benefit corporate interests instead of looking out for the people they represent. Landowners’ legitimate concerns are being completely disregarded. This bill blackmails counties, townships, and cities by threatening to withhold critical state grant funding. Our townships are already struggling—this is an unjustifiable attack on local autonomy and a blatant attempt to force communities into submission for corporate interests.”**

Out of 61 people or organizations that testified, 57 opposed the bill, three supported it, and one was neutral. Unsurprisingly, the ND Lignite Energy Council and the ND Petroleum Council supported the bill. However, in a surprising turn, the ND Farmers Union opposed it.

SB 2208 ultimately failed with nine yeas and 27 nays, with all Dem-NPL Senators voting against it.

**SB 2174: Undermining Township Zoning for Animal Agriculture**

SB 2174 seeks to impose model zoning requirements for animal agriculture at the township level, effectively limiting townships’ ability to regulate CAFOs. The bill was drafted by a task force dominated by industry interests following the 2023 legislative session and passed the Senate with amendments.

Randy Coon, a DRC member from Buffalo, testified: **“This bill drastically reduces setbacks and attempts to justify this by introducing an odor model. The problem? This model is theoretical and unproven—it does not ensure adequate protection for those living near animal feeding operations (AFOs). The real agenda of this bill is to remove local zoning authority so that AFOs can be built wherever they want.”**

He also pointed out that CAFO siting attempts in North Dakota have been concentrated in the eastern part of the state, near Interstates 29 and 94, for easier access to finishing facilities and processing centers. This is also the most populated region of the state, meaning that the greatest number of people will be harmed by reduced setbacks.

Out of 20 people or organizations who testified, 17 opposed the bill, while three supported it, and one

was neutral. ND Farmers Union supported the bill—unsurprising, given their previous support for the CAFO exemption to the corporate farming law. Ironically, commodity groups aligned with industrialized agriculture, such as the ND Soybean Growers Association and the ND Corn Growers Association, opposed it.

Despite opposition, the Senate passed SB 2174 with 42 yeas and five nays. Three Dem-NPL Senators (Boschee, Braunberger, and Hogan) voted against the bill, while Marcellais voted in favor, and Mathern mis-voted yea.

**HB 1280: Stripping Voting Rights from Landowners in Drainage Disputes**

HB 1280 aims to punish landowners who contest water drainage projects in court by stripping them of their right to vote on the project if they have not paid their special assessment. Often, landowners in litigation delay assessment payments until the case is resolved, so this bill is a clear attempt to retaliate against those exercising their legal rights.

DRC Organizer Sam Wagner testified:

**“This bill appears to directly target our members who fought an unfair special assessment all the way to the ND Supreme Court—and won. The court ruled that there should have been a vote on the project that led to their assessment, making the charge on their property null. If this bill passes, those same members could be prevented from voting on future drainage projects just because they won in court. That’s anti-democratic.”**

Nine groups testified in favor, including:

- The Red River Valley Sugarbeet Growers Association (twice)
- Quandt Farms
- ND Water Resource Districts Association
- Ellingson Companies (a construction company benefiting from these projects)
- ND Grain Growers Association

Despite opposition from DRC’s Sam Wagner and Zach Cassidy, the House passed the bill, with all Dem-NPL members voting in favor of this punitive legislation. Go figure.

**HB 1396: Retaliation Against Water Board Members Who Oppose Projects**

HB 1396 sought to track water board members’ votes and deny state funding to those who voted against certain projects.

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**(LETTER FROM THE CHAIR CONTINUED)**

DRC member Paul Matthews testified:

**“This bill creates a dangerous precedent—one where dissenting voices within government are punished. Imagine a scenario where a government entity forces you to pay a special assessment for public infrastructure but then denies you the right to use it because you opposed it. This is an attempt to silence dissent and coerce compliance.”**

The bill received support from:

- Quandt Farms
- Red River Valley Sugarbeet Growers Association
- ND Water Resource Districts Association
- Ellingson Companies
- Sargent County Water Resource District (which was previously reprimanded by the ND Supreme Court for constructing an illegal drain)

Opposition testimony came from DRC members Bob Bandaret and Paul Matthews.

Ultimately, HB 1396 failed overwhelmingly, with only five yeas and 86 nays. All Dem-NPL members except Mitskog voted against it.

**Eminent Domain for Carbon Pipelines: South Dakota Takes a Stand, North Dakota Fails to Act**

Unlike South Dakota, North Dakota lawmakers failed to introduce any bills to protect landowners from eminent domain abuse by Summit Carbon Solutions. Given North Dakota’s status as a petro-state, dominated by the oil industry and its political influence, opponents of the pipeline knew they had little chance of success in the legislature and are instead considering other options, such as an initiated measure.

Meanwhile, in South Dakota, landowners secured a major victory. On March 6, Governor Larry Rhoden signed House Bill 1052 into law, prohibiting Summit Carbon Solutions from using eminent domain to seize land for its pipeline.

In response, DRC issued the following statement:

**“This is a major win for landowners and a testament to the power of standing up against corporate greed. No private company should have the power to take land against the will of the people. South Dakota’s leaders made the right call—now it’s time for North Dakota to do the same!”**

Summit Carbon Solutions is now complaining about ‘regulatory uncertainty,’ but the only uncertainty has

always been for landowners, farmers, and families fighting to protect their land.

**Final Thoughts**

This has been a challenging session, with some surprising wins and disappointing losses. The most frustrating losses have come when our once-reliable allies in ND Farmers Union and the ND Dem-NPL Party have failed to stand up for local control, democracy, and property rights.

Still, DRC remains undaunted. We will continue fighting corporate overreach and advocating for local control, democracy, and property rights—just as we always have.

## Agriculture

### DRC Members Attend the National Healthy Soils Policy Network Conference in Washington, D.C.



DRC Senior Ag and Food Field Organizer Sam Wagner and member Becky Phillips recently attended the National Healthy Soils Policy Network (NHSPN) conference in Washington, D.C.

During the three-day event, they collaborated with soil health experts from across the country to strategize on advancing soil health policies at the state legislative level. The conference also included media training with Washington, D.C., press officials and provided critical insights into how federal policy changes threaten farmers in North Dakota and nationwide.

**(SOILS DC TRIP CONTINUED ON PAGE 5)**