

**MINUTES OF SPECIAL MEETING
RED RIVER JOINT WATER RESOURCE DISTRICT
PHONE CONFERENCE
TRAILL COUNTY WATER RESOURCE DISTRICT
HILLSBORO, NORTH DAKOTA
JANUARY 29, 2019 ~ 8:30AM**

The Red River Joint Water Resource District held a phone conference on January 29, 2019 at 8:30am originating at the office of Traill County Water Resource District and the Red River Joint Water Resource District in Hillsboro, ND.

Those present by phone were: Gary Thompson, Nettie Johnson Carol Harbeke Lewis, Sean Fredricks, Lance Yohe, Larry Tanke, Josh Ihry, Ben Varnson, Rodger Olson, Randy Gjestvang, Jack Dwyer, Bruce Anderson, Keith Weston, Monica Zentgraf, Jim Haugen, Justin Johnson, Arv Burvee, Gary Fiskop, Rich Axvig, Tom Perdue, and Dick Sundberg.

The RRJWRD members and others met today by phone to discuss legislative issues pertaining to the following bills:

SB 2139 - Snagging and Clearing

SB 2139 would restore the State Water Commission's ability to provide cost-share for snagging and clearing projects (eliminated in 2017). The Senate Political Subdivisions gave the bill a 6-0 'do pass' recommendation. However, Rep. Jim Schmidt asked that SB 2139 be referred back to Political Subdivisions for further consideration so this will likely see another hearing, or at least further discussion at the Committee level.

SB 2174 - Water Manager Elections

County commissions currently appoint water managers to water resource district boards. Under SB 2174, water managers would have to run in the general election every four years. This bill was heard before the Senate Energy and Natural Resources Committee on Friday, January 18.

HB 1184 - Quick-Take

HB 1184 would eliminate all quick-take in North Dakota, for all entities (the State and all political subdivisions, including WRDs, counties, and cities). Quick-take is solely about timing of possession; under regular eminent domain, WRDs do not get possession until the end of litigation in an eminent domain action. In quick-take, WRDs get access after depositing the appraised amount with the court (landowners still get due process and the opportunity to litigate value). This bill was heard before the House Judiciary Committee on Tuesday, January 22. Jack Dwyer provided testimony in opposition to this measure.

HB 1207 – Eminent Domain

HB 1207 was heard before the House Judiciary Committee on Monday, January 21. This bill awards reasonable costs awarded to defendants in eminent domain cases. Jack Dwyer provided testimony in support of this measure.

SB 2220 – Tile

SB 2220 was heard before the Senate Agriculture Committee on Thursday, January 24. Jack Dwyer provided testimony in support of this measure. This bill would improve the 2017 tile bill by adding the following items: a) additional 15 days for downstream landowners to provide an engineering downstream impact study; b) the ability for WRDs (in addition to downstream parties) to provide “technical evidence” of potential impacts of a tile project; and c) the ability to attach reasonable conditions to mitigate downstream impacts.

HB 1514 – Tile

HB 1514 will be heard before House Agriculture Committee on Friday, February 1. This bill would completely eliminate tile permitting. For example, someone could install a 500-acre tile project without any permit. This can result in impacts to township and county roads, bridges, and road ditches, at the expense of all taxpayers. Further, elimination of all tile permitting will leave downstream landowners (who might experience damages due to tile discharge) with civil lawsuits as their only remedy. At least with tile permitting, WRDs can force landowners to communicate and try to address potential damages before the project is installed.

Adjournment

The meeting adjourned at 9:35am with no objection.

Gary Thompson, Chair

Nettie Johnson, Secretary