

**MINUTES OF SPECIAL MEETING
RED RIVER JOINT WATER RESOURCE DISTRICT
PHONE CONFERENCE
TRAILL COUNTY WATER RESOURCE DISTRICT
HILLSBORO, NORTH DAKOTA
FEBRUARY 17, 2017 ~ 8:30AM**

The Red River Joint Water Resource District Executive Committee held a phone conference on February 17, 2017 at 8:30am originating at the office of Traill County Water Resource District and the Red River Joint Water Resource District in Hillsboro, ND.

Executive Committee members present were: Chairman Gary Thompson and Secretary Nettie Johnson; and by phone: Lance Yohe, Larry Tanke, Robert Rostad, Josh Ihry, Ben Varnson, and Sean Fredricks, RRJWRD Attorney along with those whose names appear on the attached roster.

The Executive Committee met today by phone to discuss legislative issues pertaining to the following bills:

Quick-Take

HB 1244: was heard before the House Energy and Natural Resources Committee on Thursday, February 16. The bill would require County Commission approval before a water resource district could exercise quick take authority. At the previous hearing on Friday, January 20, Mike Dwyer, representing water resource districts, provided testimony in support and explained that quick take is only for right of way, and that water managers are landowners and farmers, and only use quick take authority as a very last resort. Dwyer also explained the many responsibilities that water managers have been assigned by the Legislature. At the first hearing, the SWC also requested clarification on the word “appropriation”. Rep. Robin Weisz introduced an amendment that clarified the language. The amendment was adopted and the committee recommended a do pass with a 12-0-2 vote.

Drain Improvements and Reconstructions

HB 1416: Sean previously reported that the House Ag Committee *unanimously recommended a ‘do not pass’ on 1416 following the hearing.* The intent of this bill is to limit WRDs’ use of maintenance district dollars so WRDs cannot do legal drain reconstructions or improvements without a new assessment district vote. Despite the overwhelming ‘do not pass’ recommendation from the Committee, the bill is back at Committee so the primary bill sponsor can propose amendments. We expect Rep. Ertelt to propose an amendment that would allow “small” improvements (replacing culverts here-and-there, etc.), but that would require a vote of the assessment district before a WRD can do a reconstruction or improvement project. *This bill is still a significant threat to WRDs’ abilities to properly operate and maintain their drains.* Amendments will be circulated as we get them.

Assessment Districts

HB 1393: This bill would alter the assessment process for all new WRD assessment projects, including drains and flood protection projects; the bill would have required written reports for each parcel, utilization of a second consultant engineering firm to conduct benefit analysis, and, most importantly, would have basically prohibited assessments of virtually all properties for drain projects. We offered effective opposition testimony at the hearing before the House Political Subdivisions Committee a couple of weeks ago. The Committee reviewed an amendment offered by the sponsor, but still recommended a ‘do not pass.’ Rep. Denton Zubke has done great work on this bill and he will carry the bill on the House floor, where we hope to see the bill go down.

HB 1339: The House Government and Veterans Affairs Committee considered amendments to this bill, including the elimination of the original language that would have required certified mailings for all assessment and reassessment projects. This bill also sought to eliminate the 25% requirement for appeals of assessment projects to the State Engineer. The current law allows 25% of the benefitting landowners to file a full appeal with the State Engineer (regarding the project mechanics, location, any and all benefits, etc.); the bill language originally would have allowed any single landowner the right to a full appeal to the State Engineer (in addition to their other appeal rights already available), a process that would have resulted in significant delays and costs to assessment projects, and would have inevitably resulted in frivolous appeals. The Committee agreed with us regarding the appeal language, and compromised by reducing the 25% landowner threshold to 15% (instead of allowing any single landowner to appeal in this manner). The Committee recommended a ‘do pass’ on 1339. We will have to discuss whether or not we want to attempt to oppose this on the Senate side (assuming it passes on the House floor).

Cost-Share for Legal Assessment Drains

HB 1374: This bill contains many items, but the most concerning came in an amendment generated last week which would *prohibit the SWC from providing any cost-share to any drainage project*, including legal assessment drains, drain improvements, or snagging and clearing. The full House will vote on this amended bill in the next day or two. We will have to engage Senators to seek their assistance in defeating this language.

Tile Bills

SB 2263 and HB 1390: Recall we have been in negotiations with advocates of SB 2263 (Ellingson Companies), along with the State Engineer’s Office. Our negotiations seemed to be constructive and we came up with some draft amendments, but negotiations seemed to stall at that point. However, in the meantime, the House Ag Committee conducted a hearing on HB 1390 last Friday. Recall 1390 contains a provision that would create a tile permitting exemption for all property that “qualifies” for prevented planting. We once again had excellent turnout on Friday by WRDs, and that made a significant difference! Thanks to everyone who made it, including: Gary Thompson and Joel Halvorson (RRJWRD and Traill County WRD); Arv Burvee, Robert Rostad, Monica Zentgraf, and Justin Johnson (Richland County WRD); and Todd Stein (Sargent County WRD). Ellingson and Farm Bureau provided the most testimony in favor of 1390. Mike D., Arv, Monica, and Justin all provided effective testimony against the bill. The Committee has not yet taken action on 1390.

Meanwhile, Friday and over the weekend, Senator Larry Luick discussed potential modifications to SB 2263 with some of the Richland County WRD water managers, Monica Zentgraf, and Justin Johnson (Senator Luick is from Richland County and he chairs the Senate Ag Committee). Those discussions have gone well; Senator Luick understands the concerns of WRDs and plans to circulate a hoghouse amendment soon.

ADJOURNMENT

The meeting adjourned at 9:00am without objection.

APPROVED:

ATTEST:

Gary Thompson, Chairman

Nettie Johnson, Secretary