



North Dakota Grain Growers Association Testimony in Opposition to HB 1544 House Agriculture Committee January 31, 2025

Chairman Beltz, Members of the House Agriculture Committee, for the record my name is Dan Wogsland representing the North Dakota Grain Growers Association (NDGGA). NDGGA respectfully submits this testimony in opposition to House Bill 1544. NDGGA believes the proposed changes could have unintended consequences, placing undue burdens on agricultural producers and potentially harming North Dakota's agricultural economy.

Concerns and Potential Negative Impacts:

a. Increased Regulatory Burden

- Expanding the scope of drainage permits under this legislation introduces additional administrative requirements for farmers.
- These regulatory hurdles could cause delays in critical drainage projects, which are often time-sensitive to prevent crop loss and field damage.
- The added requirements, such as obtaining consent from downstream landowners and detailed notifications, create complexities that may disproportionately affect smaller farming operations.

b. Potential for Increased Litigation

- Requiring written consent from downstream landowners introduces a new source of conflict and the possibility of protracted legal disputes.
- Disagreements between landowners over drainage systems may delay necessary projects, compounding the risks of flooding or waterlogging.

c. Negative Impacts on Agricultural Productivity

- Proper and timely drainage is essential for maintaining optimal growing conditions. Without it:
- Excess water can delay planting and harvesting, damage crops, and increase input costs.

- Saturated fields contribute to soil erosion, nutrient loss, and long-term degradation of farmland.
- By imposing excessive restrictions, the bill risks undermining the very productivity that sustains North Dakota's agricultural economy.

d. Financial Strain on Farmers

- The provisions for subsurface water management systems, including notifications and potential inclusion in assessment districts, could impose new financial burdens.
- Farmers may be required to pay for investigations, permit applications, or assessments without clear benefits, adding stress to already tight margins.

e. Administrative Overload and Uncertainty

- Water resource districts may face significant administrative burdens under the proposed system, potentially leading to inefficiencies and delays in processing permits or resolving disputes.
- The lack of clear guidelines for standards like erosion control and flood-period regulations could create inconsistencies in enforcement.

Conclusion

NDGGA recognizes the importance of addressing drainage concerns and protecting water resources. However, NDGGA believes that House Bill 1544, as written, imposes undue burdens on North Dakota's farmers and risks undermining the success of our agricultural sector.

Therefore, Chairman Beltz, Members of the House Agriculture Committee, NDGGA respectfully requests a Do Not Pass recommendation from the House Agriculture Committee on HB 1544 and would hope that the full House concur.