

2011 SENATE AGRICULTURE

SCR 4019

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee  
Roosevelt Park Room, State Capitol

SCR 4019  
February 17, 2011  
14689

Conference Committee

Committee Clerk Signature

*Greta Nelson*

## Explanation or reason for introduction of bill/resolution:

To recognize the beneficial attributes of and to promote drain tile projects in this state.

## Minutes:

Attachment: #1

**Senator Flakoll:** Meeting called to order for SCR 4019 10:00 am

**Senator Terry Wanzek:** District 29, Jamestown. Resolution before you trying to recognize the benefits of the drain tile projects...prefer to refer to them as sub surface water management. Reasons why this would be beneficial ..... this is a different concept...pre-conceive ideas counter to the facts and are a tremendous amount of benefits as I see the drain tiles/water management is managing the water that is going down stream. It is not about draining existing wetland or delineated wetland. This project would address those areas that are already farming .....our healthy plants need a combination/balance of oxygen, water, and soil nutrients to develop and achieve maximum production. Also help with some downstream flooding issues and addressing priority list which is improving the quality of our soils and reducing the salinity. This is an opportunity for education needed with those who have concern with the drain tiling....training and opportunity to talk about the benefits. The health department is a regulator for water quality and puts them in an odd position to have been a pro active to promoting way when they are suppose to regulate it. There is becoming more interest in the farming community.....lot of potential benefits. I encourage you to support SCR 4019

**Senator Heckaman;** Tell me how I can tell my constituents in the northern part of my district that have a closed basin and how this will help them.

**Terry Wanzek;** Goes back to the pre-conceived notion that any drainage is bad....this is managing the water and will slow down the run off. The run-off now is carrying soil sediment and eroding their land. It is managing the water that is there now and it managing a manner that slows it down and how it runs down into the water shed.

**Senator Heckaman;** Where they drained....where can the water go in a closed basin? Would they have to go on their own land/

**Terry Wanzek** You are not going to be draining any more water than what is already going down stream. We get an abundance of rain ...the soil is so saturated, it is running right off the top and taking soil and nutrients with it down stream. It should be tilled as it will slow the water and it is managing the water that is flowing down stream already. Those are the educational/training opportunities we need to offer the farmers and how to manage the draining of the water. (Examples of how the tiling would benefit the management of water running down stream.)

**Senator Klein;** If the 5 in rain ....it may start trickling because it is taking that much time ....then the sponge to slowly give extra moisture that is there?

**Terry Wanzek:** The seminars are presenting and discussions with those who have done the tiling. With my area farm, you are starting to see the salt areas show up....the white spots are showing up. We need to educate the people and provide seminars and training for the farmers and landowners.

**Senator Klein;** This resolution should be something that draws attention and people respond to those because of what you are indicating. There is another bill with study and what it does....a combination will provide for that. We talk about our effect of our resolutions; it is trying to keep this on the forefront.

**Terry Wanzek:** Any effort to educate the people...the more you hear, the more you are convenience of this tiling. Other states set a great example as to how this is working in their states.

**Terry Weckerly:** ND Grain Grower Association. (Example: Answer question by comparing the ground to a sponge and how plants are healthier because of this process.) You empty the sponge during the winter, fill it up in the spring after the floods over if we get a rain event that is too much, that tile will start doing it. Then the water will trickle back instead of sheeting it off to the top of the ground. It is an outstanding way to control what we have too much of.

**Senator Larsen:** Response from a constituent ..... material comes through the header pipe....cover with socks. The salines come down and downstream will leach out 300 ft in the ditches. Are there studies of what is in the water as it comes out....are there a nutrient that comes through the tile? What comes through the soil, fertilizer.....is there testing?

**Terry Weckerly:** Research being done, the water coming out of the tile is cleaner than if we had the water running over the top of the surface of the surface. If pesticides have been applied and fertilizers....depending time of year and we get a huge rain fall right after application, that will sheet off with water flow if the soil can't absorb the water. Any time you go through the filtration system/ the tiling is all buried minimum (buried 14ft or more) Filter the water going through that, it shows our water coming out cleaner and adding to the water quality. Find a study depending on soil....sandy soil will flow smoother than the clay type soil.

**Terry Wanzek:** One has to be careful of the old open head ...inlets where that could happen, but that is not what process that we are discussing. We are talking about the tiles

being buried where it does filter through the ground. Some of the old actually had an open inlet where you had to filter ..... we don't support the old method ...this is the method of putting the tile in the soil where it percolates through ...the tile has perforations. There is a possibility to develop a wetland and plant trees and filter the water before it runs off further downstream creating an environmental benefit is a wildlife opportunity.

**Galen Person:** Maxbass, ND farmer (Attachment #1)

**Senator Luick:** In the field you are looking at, is there established wetland now, or they suppose they do not know the process of field tiling?

**Galen Person:** they are stating you put a tile down the field to get rid of some of the excess surface water on the field. They maintain that takes away from the water could eventually go to the wetlands.....that's their position. Any tiling out there, they say they would be in violation and loose any farm program benefits. Is unreasonable.

**Senator Klein;** We have heard other states have been doing this for years. Why does it make any difference with NRCES than theirs?

**Galen Person;** Basically gets back that we were behind in managing our water.

**Curly Hogland:** Represent Land Owners Association: We support of the resolution SB 4019

**Mike Dwyer:** ND Water Districts Association. We support the SCR 4019 We have appeared before you on the regulatory piece we have that part resolved....we would like to see through this resolution to have an ongoing study ....legislature created a permanent water topics overview water committee. It is a standing intern water committee, many water issues. Have 9-13 legislators who have a thorough understand for the next session would be beneficial. We would like an ongoing during the interim.

**Senator Luick;** District 25 Support SCR 4019. Question to answer: Purpose of the field drainage which is a huge benefit is not only lowers the water table in the soil content, but reduces the saline issues. Other things achieves that is the benefits of the health of the soil by lowering the water table. (Explanation beneficial bacteria and non beneficial bacteria in the soil. How this process works with plants and destroys pesticide....information of soil mineral and nitrates in the soil.) Not such an issue with northern states as the weather is more accommodating in the north.

**Senator Flakoll;** Oppositions?

**Senator Flakoll;** Close hearing

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee  
Roosevelt Park Room, State Capitol

SCR 4019  
February 17, 2011  
14680

Conference Committee

|                           |                     |
|---------------------------|---------------------|
| Committee Clerk Signature | <i>Greta Nelson</i> |
|---------------------------|---------------------|

## Explanation or reason for introduction of bill/resolution:

To recognize the beneficial attributes of and to promote drain tile projects in this state.

## Minutes:

|                 |
|-----------------|
| Attachment : #1 |
|-----------------|

**Senator Flakoll:** Meeting called to order for SCR 4019

**Senator Luick** Move to adopt the Luick amendment

**Senator Murphy:** Page one line 2 .....remove state after the word engineer,

**Senator Flakoll;** We are on page line 15 after the word engineer; remove the rest of the line which is the word state.

**Senator Murphy:** Second

**Senator Flakoll;** Moved and second to adopt the Luick amendments with clarification of page one line 15 after the word engineer, remove the word state.

**Senator Flakoll;** Discussion....Clerk take roll call vote

**Clerk:** Take roll 6-0-1

**Senator Miller;** Move DO PASS as amended

**Senator Murphy** Second

**Senator Flakoll;** Move and second

**Senator Flakoll;** Senator Luick; carries bill

**Senator Flakoll;** Adjourned

#1

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4019

Page 1, line 2, remove "State Department of Health"

Page 1, line 2, insert "Natural Resources Conservation Service"

Page 1, line 12, remove "State Department of"

Page 1, line 12, insert "Natural Resources Conservation Service"

Page 1, line 13, remove "Health"

Page 1, line 15, remove "State"

Page 1, line 15, insert "Natural Resources Conservation Service"

Page 1, line 16, remove "Department of Health"

Page 1, line 20, remove "State Department of Health"

Re-number accordingly

Date: 2/17/11

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SCR 4019

Senate Agriculture Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Luick Seconded By Senator Murphy

| Senators               | Yes | No | Senators         | Yes | No |
|------------------------|-----|----|------------------|-----|----|
| Chairman Flakoll       | ✓   |    | Senator Heckaman | ✓   |    |
| Vice-Chair Oley Larsen | ✓   |    |                  |     |    |
| Senator Klein          | ✓   |    |                  |     |    |
| Senator Luick          | ✓   |    |                  |     |    |
| Senator Miller         | ✓   |    |                  |     |    |
| Senator Murphy         | ✓   |    |                  |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator

If the vote is on an amendment, briefly indicate intent:

Date: 2/17/11

Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SCR 4019

Senate Agriculture Committee

Legislative Council Amendment Number 11.3088.01001 / 02000

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Miller Seconded By Senator Murphy

| Senators               | Yes | No | Senators         | Yes | No |
|------------------------|-----|----|------------------|-----|----|
| Chairman Flakoll       | ✓   |    | Senator Heckaman | ✓   |    |
| Vice-Chair Oley Larsen | ✓   |    |                  |     |    |
| Senator Klein          | ✓   |    |                  |     |    |
| Senator Luick          | ✓   |    |                  |     |    |
| Senator Miller         | ✓   |    |                  |     |    |
| Senator Murphy         | ✓   |    |                  |     |    |
|                        |     |    |                  |     |    |
|                        |     |    |                  |     |    |

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Luick

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**SCR 4019: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4019 was placed on the Sixth order on the calendar.**

Page 1, line 2, replace "State Department of Health" with "Natural Resources Conservation Service"

Page 1, line 12, remove "State Department of"

Page 1, line 13, replace "Health" with "Natural Resources Conservation Service"

Page 1, line 15, remove the third "State"

Page 1, line 16, replace "Department of Health" with "Natural Resources Conservation Service"

Page 1, line 20, remove " chief, Environmental Health Section, State Department of Health;"

Re-number accordingly

2011 HOUSE AGRICULTURE

SCR 4019

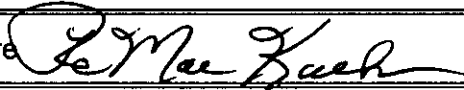
# 2011 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee  
Peace Garden Room, State Capitol

SCR 4019  
March 18, 2011  
Job #15678

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A resolution recognizing the benefits of subsurface drain tile projects and urging the State Water Commission, State Engineer, Natural Resources Conservation Service, and water resource districts to recognize the beneficial attributes of and to promote drain tile projects in this state.

## Minutes:

**Representative Headland, Co-Sponsor:** We believe tiling is important to the State of ND.

**Dan Wogsland, Executive Director, ND Grain Growers Assn.:** (See attached #1) Tiling is very important and it has been a buzz word in agriculture this session. To give the committee a heads up, we are in negotiations with Chief White and his office. He is coming out to ND to observe what is going on in tiling, NRSC regulations, etc. He will be coming in July.

**Chairman Johnson:** When we were in Denmark, they said 95% of the farming community is tiled.

**Opposing:** none

**Chairman Johnson:** Closed the hearing

**Representative Headland:** Moved Do Pass

**Vice Chair Kingsbury:** Seconded the motion.

A Roll Call vote was taken. **Yes:** 14, **No:** 0, **Absent:** 0,

**DO PASS** carries.

**Representative Headland will carry the bill.**

Date: 3/18/11

Roll Call Vote # 1

**2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. 4019

House **Agriculture** Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended

Rerefer to Appropriations **Place on the consent calendar**

Motion Made By Representative Headland Vice Chair Kingsbury  
Seconded By \_\_\_\_\_

| Representatives             | Yes | No | Representatives | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| Dennis Johnson, Chair       | X   |    | Tracy Boe       | X   |    |
| Joyce Kingsbury, Vice Chair | X   |    | Tom Conklin     | X   |    |
| Wesley Belter               | X   |    | Richard Holman  | X   |    |
| Craig Headland              | X   |    | Phillip Mueller | X   |    |
| David Rust                  | X   |    |                 |     |    |
| Mike Schatz                 | X   |    |                 |     |    |
| Jim Schmidt                 | X   |    |                 |     |    |
| Wayne Trottier              | X   |    |                 |     |    |
| John Wall                   | X   |    |                 |     |    |
| Dwight Wrangham             | X   |    |                 |     |    |
|                             |     |    |                 |     |    |
|                             |     |    |                 |     |    |
|                             |     |    |                 |     |    |
|                             |     |    |                 |     |    |

Total Yes 14 No 0

Absent 0

Bill Carrier Representative Headland

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SCR 4019, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4019 was placed on the Tenth order on the calendar.**

2011 TESTIMONY

SCR 4019

#1

Testimony in support of SCR4019

Mr. Chairman and members of the committee.

I am Galen Peterson from Maxbass, and I farm in western Bottineau County.

I support this resolution, because I have seen <sup>N</sup> first hand the benefits of subsurface tile drainage.

However at the present time approximately, 1/2 of the cropland in the state is unable to utilize this method of water management. I farm in the drift prairie region of the state, (the area east and north of the Missouri Coteau, and west of the Red River Valley). In this region, the Natural Resource and Conservation Service has a very restrictive view of tiling, a view that I believe is particular to this area. The local offices I have contacted state that ANY tile in a field would be a violation of the wetland conservation provisions of the farm bill.

I recommend that our legislature, our state officials, and our congressional delegation do everything possible to change this unreasonable interpretation and regulation of the wetland conservation provisions.



# 1

Your voice for wheat and barley. [www.ndgga.com](http://www.ndgga.com)

**North Dakota Grain Growers Association  
Testimony on SCR 4019  
House Agriculture Committee  
March 18, 2011**

Mr. Chairman, members of the House Agriculture Committee, for the record my name is Dan Wogsland, Executive Director for the North Dakota Grain Growers Association. I appear before the House Agriculture Committee today in support of SCR 4019.

In the 2011 Legislative Assembly, drain tiling has come to the forefront of ag policy discussions. This has served not only to streamline the drain tiling process within North Dakota government it has also raised awareness to the issues surrounding drain tiling in our state. Continuing to raise this awareness and recognizing the benefits of tiling projects is the purpose of SCR 4019.

Drain tiling projects require a coordinated effort on the local, state and national levels. Involving a number of governmental entities in a single project is no easy task and the interpretation of regulatory language can complicate the most well-thought out tiling projects. Recognizing the benefits of drain tiling in terms of water management and soil health and coupling that with regulatory efforts aimed at helping and not hindering the process will spell success for all concerned.

SCR 4019 reaffirms the position of the North Dakota Legislature that drain tile projects should be recognized as being beneficial to the state and should be promoted wherever feasible. The North Dakota Grain Growers Association supports this position and requests you favorable consideration of SCR 4019.

*NDGGA provides a voice for wheat and barley producers on domestic policy issues – such as crop insurance, disaster assistance and the Farm Bill – while serving as a source for agronomic and crop marketing education for its members.*