

Mr Chairman and members of the Committee.

My name is Sam Wagner and I am testifying today for the Dakota Resource Council and its members. DRC has more than 600 members statewide and was founded to protect North Dakota's natural resources and family farms and ranches.

HB1437 should clear up some confusion about state water law and we at DRC are aware of what the stakes are for this bill if it is not passed. But this bill is not without some language that could have unintended consequences.

DRC would like to draw your attention page 8, Line 12 numbers 6 and 7 that have been crossed out. The language that provides a penalty for building a drainage system without a permit and putting the responsibility directly on the landowner that builds the system has been removed and there is no replacement for it to our knowledge. The language that states the landowner is solely responsible for any damages caused by building without a permit is removed as well. If there is no penalty for building without a permit other than a civil suit, what is the point of even acquiring a permit? It is not unreasonable to have language stating that if someone builds without a permit that they should be held responsible for their actions. Taking away any criminal penalties for not acquiring a permit would make enforcement of this bill nearly impossible. Landowners could simply build any drainage system knowing they could tie up any lawsuit in court if their neighbors do not have the resources to file a suit.

This bill could simply be amended to keep this language in the text and it would be far less problematic. We would request that the bill be amended on page 8 line 12 to uncross the crossed out lines on 6 and 7 and rename them 9. and 10. Take the section marked 9. and amend it to 11.

We are not opposed to the bill, we just would like these amendments to be considered.

Respectfully submitted,

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