

**Testimony by Bryan Schmidt  
City Councilmember -- City of Horace**

**Senate Agriculture Committee  
In Opposition to SB 2208**

Chairman Luick and Committee members, I appreciate the opportunity to testify before you today in opposition to SB 2208. My name is Bryan Schmidt, and I am a City Councilmember for the City of Horace. I realize this is a bill that addresses authorities of water resource districts, but there is a provision in this bill that would have a detrimental impact on the City of Horace.

Section 32 of SB 2208 would limit water resource district authorities to use their annual levy dollars to properly operate, maintain, and upgrade their facilities. The Southeast Cass Water Resource District owns and operates the Sheyenne Diversion, and the Diversion provides flood protection for the City of Horace. The City of Horace is one of the fastest growing cities in North Dakota, and one of the reasons for that growth is the flood protection provided by the Sheyenne Diversion. If SB 2208 were to pass in its current form, with Section 32 as currently written, and if Southeast Cass could not use its annual levy funds to manage the Diversion, that would be a serious concern for the City of Horace.

The City of Horace works in partnership with the Southeast Cass Water Resource District regarding the Sheyenne Diversion. Horace is fortunate to have a number of developers eager to construct new residential subdivisions in the City, many of them near the Diversion, and all of them rely on the Diversion for flood protection. If Southeast Cass cannot act quickly to make

minor upgrades and modifications to the Diversion to accommodate these developments, that will inhibit development for our City.

Southeast Cass periodically makes relatively minor improvements to the Diversion to accommodate City of Horace developments and other concerns. For example, Southeast Cass installs new storm lift outfalls in the Diversion to accommodate new residential subdivisions. Those outfalls are not in the “original design” for the Diversion; therefore, under Section 32 of this bill, those outfall installations would require a full assessment district vote. Similarly, Southeast Cass has done channel bottom improvements (installation of riprap) and slope improvements to address erosion issues. Those minor but important upgrades were not in the “original design” of the Diversion, and are not “maintenance” and would require a full assessment vote under Section 32 of this bill.

My understanding is the assessment district for the Sheyenne Diversion is substantial in size, many thousands of landowners and homeowners. If Southeast Cass had to go to a full assessment vote every time the City needed a new outfall into the Diversion, that would cost thousands of dollars and would take several months to complete. That is not a reasonable requirement. The Sheyenne Diversion is too important for the City of Horace, and we are very concerned about Section 32 of this bill.

If the sponsors of SB 2208 would remove the “maintenance” language from Section 32 of this bill, that would address the City of Horace’s concerns. However, as currently written, the City of Horace opposes SB 2208, and respectfully urges a Do Not Pass.

Thank you for your consideration.