

**1999 HOUSE NATURAL RESOURCES**

**HB 1140**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1140

House Natural Resources Committee

Conference Committee

Hearing Date 1/8/99

| Tape Number                                  | Side A | Side B | Meter #   |
|--|--------|--------|-----------|
| 1  | x      |        | 10.2-18.9 |
|  |        |        |           |
|  |        |        |           |
| Committee Clerk Signature <i>Kevin Harch</i> |        |        |           |

Minutes:

**SUMMARY OF THE RESOLUTION:** A Bill for an Act to amend and reenact sections 61-35-04, 61-35-07, 61-35-08, and subsection 1 of section 61-35-25 of the North Dakota Century Code, relating to payment of publication costs to create a water district, election of a board of a water district, and notice of dissolution or merger of a rural water corporation or cooperative.

Chairman Grosz called the hearing on HB 1140 into order at approximately 10:13 a.m. in the Pioneer Room. All committee members were present: Chairman Grosz, Vice-Chairman Henegar, Rep. Drovdal, Rep. Galvin, Rep. DeKrey, Rep. Nottestad, Rep. Nelson, Rep. Clark, Rep. Porter, Rep. Martinson, Rep. Hanson, Rep. Kelsh, Rep. Lundgren, Rep. Sandvig, Rep. Solberg.

David Spryncynatyk, the State Engineer testified in favor of HB 1140. ( See attached testimony.)

Chairman Grosz asked Mr. Sprynczynatyk who the proper papers would be filed with.

Mr. Sprynczynatyk replied that the papers would be filed with the Secretary of State and then referred the question to Dave Koland of the Executive Director of the North Dakota Rural Water Systems.

Dave Koland then testified that “when the original water systems were formed, twelve of them were formed as not-for-profit corporations, and twelve of them were formed as cooperatives. So in this section of the code dealt with dissolving these two different forms of water systems, and unfortunately one notice of the dissolution goes to the Secretary of State and one goes to the Attorney General.”

Mr. Koland then testified in support of HB 1140.

Rep. Martinson then asked Mr. Koland whether it was clear where the individuals are to file.

Mr. Koland then answered that yes, it was clear.

Chairman Grosz then closed the debate on HB 1140, as there was no further testimony either in favor or in objection to HB 1140.

Rep. Porter then called for a “Do Pass” motion.

Rep. Drovdal seconded the motion.

Chairman Grosz then called for the vote.

HB 1140 passed with a vote of 15 in favor, 0 against, and 0 absent.

Chairman Grosz then adjourned the hearing.

Date: 1/8/99  
 Roll Call Vote #: 1

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO.**

House House Natural Resources Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number 1140

Action Taken Do Pass

Motion Made By PORTER Seconded By DROVDAL

| Representatives                 | Yes | No | Representatives | Yes | No |
|---------------------------------|-----|----|-----------------|-----|----|
| Chairman Mick Grosz             | X   |    |                 |     |    |
| Vice-Chairman Dale Henegar      | X   |    |                 |     |    |
| Representative David Drovdal    | X   |    |                 |     |    |
| Representative Pat Galvin       | X   |    |                 |     |    |
| Representative Duane DeKrey     | X   |    |                 |     |    |
| Rep. Darrell D. Nottestad       | X   |    |                 |     |    |
| Representative Jon O. Nelson    | X   |    |                 |     |    |
| Representative Byron Clark      | X   |    |                 |     |    |
| Representative Todd Porter      | X   |    |                 |     |    |
| Representative Jon Martinson    | X   |    |                 |     |    |
| Reperesentative Lyle Hanson     | X   |    |                 |     |    |
| Representative Scot Kelsh       | X   |    |                 |     |    |
| Representative Deb Lundgren     | X   |    |                 |     |    |
| Representative Sally M. Sandvig | X   |    |                 |     |    |
| Representative Dorvan Solberg   | X   |    |                 |     |    |

Total (Yes) 15 No 0

Absent 0

Floor Assignment PORTER

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

**REPORT OF STANDING COMMITTEE (410)**  
January 8, 1999 11:08 a.m.

**Module No: HR-04-0416**  
**Carrier: Porter**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1140: Natural Resources Committee (Rep. Grosz, Chairman) recommends DO PASS**  
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1140 was placed on the  
Eleventh order on the calendar.

**1999 SENATE NATURAL RESOURCES**

**HB 1140**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1140

Senate Natural Resources Committee

Conference Committee

Hearing Date February 5, 1999

| Tape Number                                     | Side A | Side B | Meter # |
|---|--------|--------|---------|
| 1   | x      |        | 0-335   |
| 1   | x      |        | 190-340 |
| Committee Clerk Signature <i>Sybil A. Tegen</i> |        |        |         |

Minutes:

SENATOR TRAYNOR opened the hearing on HB1140: A BILL FOR AN ACT TO AMEND AND REENACT SECTIONS 61-35-04, 61-35-07, 61-35-08, AND SUBSECTION 1 OF SECTION 61-35-25 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO PAYMENT OF PUBLICATION COSTS TO CREATE A WATER DISTRICT, ELECTION OF A BOARD OF A WATER DISTRICT, AND NOTICE OF DISSOLUTION OR MERGER OF A RURAL WATER CORPORATION OR COOPERATIVE.

DALE FRINK, Ass't State Engineer testified in support of HB1140. (See attached testimony)

SENATOR TRAYNOR asked when you testified on paragraph 3 you said the Central Plains Water District and the Walsh Rural Water District did not agree to pay costs, but your written testimony said they did agree. Which is correct.

DALE FRINK replied the written testimony is correct.

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Senate Natural Resources Committee

Bill/Resolution Number Hb 1140

Hearing Date February 5, 1999

SENATOR TRAYNOR asked if the bill is to clarify who is responsible for payment of the costs.

DALE FRINK replied yes.

SENATOR TRAYNOR closed the hearing on HB1140.

COMMITTEE ACTION-March 4, 1999-(Tape 1, Side A, Meter# 190-340) SENATOR

HEITKAMP moved for a DO PASS, seconded by SENATOR CHRISTMANN. Roll call vote

indicated 6 YEAS, 0 NAYS, 0 Absent and not voting. SENATOR HEITKAMP volunteered to

carry the bill.



Date: 3-4-99

Roll Call Vote #: /

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1140

Senate Natural Resources Committee

- Subcommittee on \_\_\_\_\_
- or
- Conference Committee

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

Action Taken DO PASS

Motion Made By Heitkamp Seconded By Christmann

| Senators                      | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|----------|-----|----|
| Senator John T. Traynor, Chr  | ✓   |    |          |     |    |
| Senator Tom Fischer, Vice Chr | ✓   |    |          |     |    |
| Senator Randel Christmann     | ✓   |    |          |     |    |
| Senator Layton Freborg        | ✓   |    |          |     |    |
| Senator Joel C. Heitkamp      | ✓   |    |          |     |    |
| Senator Rolland W. Redlin     | ✓   |    |          |     |    |
|                               |     |    |          |     |    |
|                               |     |    |          |     |    |
|                               |     |    |          |     |    |
|                               |     |    |          |     |    |
|                               |     |    |          |     |    |
|                               |     |    |          |     |    |
|                               |     |    |          |     |    |
|                               |     |    |          |     |    |

Total (Yes) 6 No 0

Absent 0

Floor Assignment Heitkamp

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

REPORT OF STANDING COMMITTEE (410)  
March 4, 1999 4:43 p.m.

Module No: SR-39-4079  
Carrier: Heitkamp  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1140: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** HB 1140 was placed on the Fourteenth order on the calendar.

**1999 TESTIMONY**

**HB 1140**

**TESTIMONY ON HOUSE BILL 1140**

**Natural Resources Committee**

**David A. Sprynczynatyk, State Engineer  
and Secretary to the State Water Commission**

**January 8, 1999**

Mr. Chairman and Members of the Committee, my name is David Sprynczynatyk. I am the North Dakota State Engineer and Secretary to the State Water Commission and appear today in support of House Bill 1140.

This bill proposes four changes to the law authorizing the State Engineer to establish water districts. The authority to establish water districts, or better described as water supply districts, was passed into law in 1995. Since then two water supply districts have been created, the Central Plains Water District in 1997 and the Walsh Rural Water District in 1998.

The amendments in sections 1 and 2 of the bill will require a water supply district to pay for the costs of publishing notices required to create the district. Current law is not clear on who is responsible for the payment of costs for publishing the hearing notice and the order establishing the water supply district. When the Central Plains Water District and the Walsh Rural Water District were created they did agree to pay these costs.

Section 3 amends the law to allow the water supply district to select its initial board of directors within 30 days after the State Engineer issues the order forming the district rather than within 30 days of the State Engineer's hearing on whether the district should be established. This allows the board to be established in a timely manner after the district is established.

Section 4 of the bill will require the notice of dissolution or merger of a rural water cooperative or corporation to be filed with the Secretary of State or Attorney General rather than notifying itself of its dissolution or merger when a cooperative or corporation petitions to become a water supply district. N.D.C.C. title 10 requires notices of dissolution or merger of any corporation to be filed with the Secretary of State or Attorney General. The proposed amendment will eliminate any question as to the proper procedure.

Both the State Engineer and the State Water Commission support House Bill 1140 and request your favorable consideration of the bill.

Thank you.

**TESTIMONY ON HOUSE BILL 1140**

**Senate Natural Resources Committee**

**Dale Frink, Assistant State Engineer  
on behalf of**

**David A. Sprynczynatyk, State Engineer  
and Secretary to the State Water Commission**

**February 5, 1999**

Mr. Chairman and Members of the Committee, my name is Dale Frink. I am the Assistant State Engineer and appear today on behalf of David Sprynczynatyk, the North Dakota State Engineer and Secretary to the State Water Commission, in support of House Bill 1140.

This bill proposes four changes to the law authorizing the State Engineer to establish water districts. The authority to establish water districts, or better described as water supply districts, was passed into law in 1995. Since then two water supply districts have been created, the Central Plains Water District in 1997 and the Walsh Rural Water District in 1998.

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Both the State Engineer and the State Water Commission support House Bill 1140 and request your favorable consideration of the bill.

Thank you.