

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1284

2001 HOUSE AGRICULTURE

HB 1284

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1284

House Agriculture Committee

Conference Committee

Hearing Date 2--1--01

| Type Number | Side A | Side B | Meter # |
|---------------------------|--------|--------|--------------|
| ONE | A | | 3000 TO 5100 |
| Committee Clerk Signature | | | |

Edward D. Thompson

Minutes:

CHAIRMAN NICHOLAS: WE WILL OPEN THE HEARING ON HB 1284

ROBERT THOMPSON: Prepared testimony. Please see attachment.

We have a lot of absentee land owners. This bill make the guideline 20,000 thousand acres instead of 10,000. Very simple Bill. It will be a lot better for us.

MIKE DWIRE: I represent the N.D. WATER USERS ASSOCIATION, AND THE NORTH DAKOTA IRRIGATION. We support this bill too. It is a matter of convince. Trying to expand irrigation 20,000 acres is better then 10,000 as to expanding irrigation.

REPRESENTATIVE NICHOLAS: Any questions.

MILTON LINDVIG: Director of the Water Appropriations Division. Please see attached testimony. We support HB 1284.

Rep. Earl Rennerfeld: Prepared text. Please see attachments. I also have some amendments.

Please see the amendments which are attached.

Page 2
House Agriculture Committee
Bill/Resolution Number HB 1284
Hearing Date 2--1--01

The defenition of elector is that you must own land. At least 5 acres in the district. Be a resident of the state. It has been our experience that an absentee land owner do not generally want to serve as directors.

1A:4822 CHAIRMAN NICHOLAS: Committee Members, what is your wish on HB 1284

Representative Wrangham moves for a DO PASS and seconded by Mueller.

Any other discussion committee members. O.K. The clerk will take the Roll.

there were """"""13 yes""""0 no""""""2 absent.

Representative Wrangham will carry HB 1284

We closed the Hearing one HB 1284

VR
2/1/01
1082

HOUSE AMENDMENTS TO HB1284 HOUSE AGR. 2-1-01
Page 1, line 1, replace "section" with "sections 61-05-13," and after "61-06-01" insert ",
61-10-31, and 61-10-38"

Page 1, line 2, after "to" insert "organization, government, and boundaries of" and replace
"district directors" with "districts"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 61-05-13 of the North Dakota Century Code is amended and reenacted as follows:

61-05-13. State engineer to make order establishing irrigation district - Calling election - Dividing district - Contents of order. If the state engineer ~~shall have found~~ finds and ~~determined~~ determines that the establishment of the proposed irrigation district is advisable, and that the plan proposed for irrigating the lands therein is practicable and economically sound, the state engineer shall make an order establishing ~~such~~ the irrigation district, subject to the approval of the electors of the district at an election called by the state engineer for that purpose. If the district embraces more than ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] of land, the state engineer by ~~such~~ the order shall divide the district into five or seven divisions or precincts as the state engineer ~~shall deem~~ determines necessary for the convenience of the electors of the district. The divisions or precincts ~~shall~~ must be as nearly equal in size as may be deemed practicable, ~~such~~ the divisions ~~shall~~ must be numbered, and one director ~~shall~~ must be elected from, and by the electors of, each division. If an elector owns land in more than one division, the elector ~~shall~~ must cast all the elector's votes for director and be eligible for election as a director in the division in which the majority of the elector's land subject to assessment lies. ~~Such~~ The order ~~shall~~ must set forth:

1. The time and place of holding ~~such~~ the election.
2. The boundaries of the district.
3. That a petition sufficient in form and substance was filed with the state engineer.
4. That due and reasonable notice of time and place of hearing on petition was given to the qualified electors of the proposed irrigation district.

A copy of ~~such~~ the order ~~shall~~ must be filed with the county auditor of each county in which the irrigation district is situated. ~~Such~~ The order ~~shall be~~ is prima facie evidence of the matter and facts therein stated."

HOUSE AMENDMENTS TO HB1284 HOUSE AGR 2-1-01

Page 3, after line 2, insert:

"SECTION 3. AMENDMENT. Section 61-10-31 of the North Dakota Century Code is amended and reenacted as follows:

61-10-31. Redivision of district into divisions. When lands are included in an irrigation district by means of the procedure described in this chapter, and if the

district will contain after inclusion of ~~each~~ the lands ~~for~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] or more, at least thirty days ~~prior to~~ before the next general election, the board shall make an order dividing or redividing ~~each~~ the district into divisions in conformity with section 61-05-13. ~~Such~~ The divisions ~~shall~~ must be as nearly equal in size as may be practicable and they ~~shall~~ must be numbered, with one director thereafter elected by and from each division.

SECTION 4. AMENDMENT. Section 61-10-38 of the North Dakota Century Code is amended and reenacted as follows:

61-10-38. Elimination of divisions of district. When lands are excluded from an irrigation district by means of the procedure described in this chapter, and if the district will contain less than ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] after the exclusion of ~~each~~ the lands, the board of directors shall issue an order eliminating district divisions in conformity with section 61-05-13."

Renumber accordingly

Date: _____
Roll Call Vote #: _____

2-1-01

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1284

House AGRICULTURE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10448.0101 WITH AMENDS

Action Taken DO PASS

Motion Made By WRANGHAM Seconded By MUELLER

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------------------------|-----|----|-------------------|-----|----|
| Eugene Nicholas, Chairman | ✓ | | Rod Froelich | ✓ | |
| Dennis E. Johnson - Vice Chairman | ✓ | | Doug Lemieux | ✓ | |
| Rick Berg | ✓ | | Philip Mueller | ✓ | |
| Michael Brandenburg | ✓ | | Kenton Onstad | ✓ | |
| Joyce Kingsbury | ✓ | | Sally M. Slandvig | ✓ | |
| Myron Koppang | ✓ | | Dennis J. Renner | ✓ | |
| Edward H. Lloyd | ✓ | | Dwight Wrangham | ✓ | |
| Bill Pietsch | ✓ | | | | |
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Total (Yes) 13 No _____

Absent 2

Floor Assignment WRANGHAM

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

REPORT OF STANDING COMMITTEE

HB 1284: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1284 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 61-05-13," and after "61-06-01" insert ", 61-10-31, and 61-10-38"

Page 1, line 2, after "to" insert "organization, government, and boundaries of" and replace "district directors" with "districts"

Page 1, after line 3, Insert:

"SECTION 1. AMENDMENT. Section 61-05-13 of the North Dakota Century Code is amended and reenacted as follows:

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1. The time and place of holding ~~such the~~the election.
2. The boundaries of the district.
3. That a petition sufficient in form and substance was filed with the state engineer.
4. That due and reasonable notice of time and place of hearing on petition was given to the qualified electors of the proposed irrigation district.

A copy of ~~such the~~the order ~~shall~~must be filed with the county auditor of each county in which the irrigation district is situated. ~~Such~~The order~~shall be~~is prima facie evidence of the matter and facts therein stated."

Page 3, after line 2, Insert:

"SECTION 3. AMENDMENT. Section 61-10-31 of the North Dakota Century Code is amended and reenacted as follows:

61-10-31. Redivision of district into divisions. When lands are included in an irrigation district by means of the procedure described in this chapter, and if the district will contain after inclusion of~~such the~~the lands ~~ten~~twenty thousand irrigable acres

[~~4046.86~~ 8093.72 irrigable hectares] or more, at least thirty days ~~prior to~~ before the next general election, the board shall make an order dividing or redividing ~~each~~ the district into divisions in conformity with section 61-05-13. ~~Such~~ The ~~division~~ shall ~~shall~~ must be as nearly equal in size as may be practicable and they ~~shall~~ must be numbered, with one director thereafter elected by and from each division.

SECTION 4. AMENDMENT. Section 61-10-38 of the North Dakota Century Code is amended and reenacted as follows:

61-10-38. Elimination of divisions of district. When lands are excluded from an irrigation district by means of the procedure described in this chapter, and if the district will contain less than ~~ten~~ twenty thousand irrigable acres [~~4046.86~~ 8093.72 irrigable hectares] after the exclusion of ~~each~~ the lands, the board of directors shall issue an order eliminating district divisions in conformity with section 61-05-13."

Renumber accordingly

2001 SENATE AGRICULTURE

HB 1284

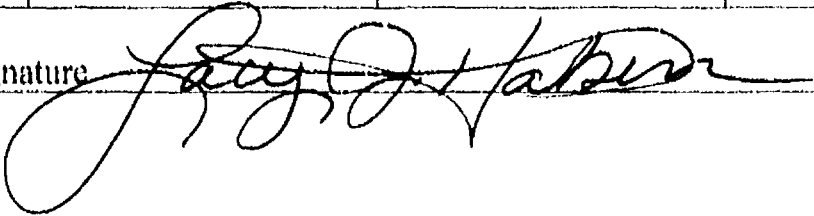
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1284

Senate Agriculture Committee

Conference Committee

Hearing Date March 8, 2001

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|--------------|
| March 8 1 | | X | 12.2, - 20.4 |
| | | | |
| Committee Clerk Signature  | | | |

Minutes:

REP. RENNERFELDT; Sponsor, introduced the bill to the committee. See attached testimony.

MILTON LINDVIG; Director of the Water Appropriation Division for the State Water Commission, testified in support of this bill. See attached testimony.

The hearing was closed.

SENATOR KLEIN moved for a DO PASS.

SENATOR URLACHER seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR URLACHER will carry the bill.

Date: 3-8-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1284

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Klein Seconded By Sen. Urlacher

| Senators | Yes | No | Senators | Yes | No |
|--------------------------------|-----|----|------------------|-----|----|
| Senator Wanzek - Chairman | ✓ | | Senator Kroeplin | ✓ | |
| Senator Erbele - Vice Chairman | ✓ | | Senator Nichols | ✓ | |
| Senator Klein | ✓ | | | | |
| Senator Urlacher | ✓ | | | | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Urlacher

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 2:14 p.m.

Module No: SR-40-5139
Carrier: Urlacher
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1284, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1284 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1284



Eastern Dakota Irrigation District

14221 19" SI SE
Page, ND 58064-9783

To: Agriculture Committee
House of Representatives

From: Robert Thompson, President
Eastern Dakota Irrigation District

Date: February 1, 2001

Subject: Support of House Bill 1284

The Eastern Dakota Irrigation District supports the passage of House Bill 1284.

Our district contains 15,004 acres and the division of the district into 5 precincts makes for a cumbersome election process. A centralized election is more workable for all districts of our size in North Dakota.

Thank you.

TESTIMONY OF SENATE BILL 1284

House Agricultural Committee

Milton Lindvig, Director, Water Appropriation Division
State Water Commission

February 1, 2001

Mr. Chairman and Members of the House Agricultural Committee, I am Milton Lindvig, Director of the Water Appropriation Division for the State Water Commission and I appear in support of House Bill 1284.

House Bill 1284 amends ND Century Code Section 61-06-01. It increases the acreage in an irrigation district from 10,000 to 20,000 before the district must be divided into precincts or divisions for the purpose of electing the Board of Directors. When a district is divided into precincts or divisions, a director must be elected from each division or precinct. This bill would allow directors to be elected at-large in districts consisting of less than 20,000 acres.

Because of larger farm units and absentee land ownership it is difficult to equitably divide 10,000 acres into divisions and at the same time have efficient governance of the irrigation district. The State Engineer completed the organization of the Eastern Dakota Irrigation District about one year ago, which consists of approximately 15,000 acres in 10 townships. The size of the divisions ranged from 2,040 acres to 4,320 acres. This configuration was necessary because of the relatively large area in which the irrigated tracts are located and to have electors in each division that would serve on the District Board of Directors.

In the past, irrigation districts were created to irrigate a contiguous tract of land utilizing a common water source and delivery infrastructure. That is changing. Some of the newer districts are made up of more scattered tracts that may not use a common water source and infrastructure. These districts are created for the purpose of providing a legal entity to facilitate the operation of an entire irrigation enterprise and collectively address common issues.

The election for an irrigation district must comply with the State's general election laws. Therefore, each division must have its own polling place and election board. In some cases the only practical polling place in a division is one of the electors' homes. This legislation will provide greater flexibility for creating divisions that meet contemporary circumstances.

There are two other irrigation districts in the state that are affected by the current requirement and there may be another that will need to divide into divisions in the near future.

The bill also proposes some changes that streamline the language and removes one paragraph that is outdated and no longer applicable. We concur with those changes.

We ask for your favorable consideration of this bill. Thank you.

TESTIMONY ON HB 1284
HOUSE AGRICULTURE COMMITTEE
PREPARED BY REPRESENTATIVE EARL RENNERFELDT
FEBRUARY 1, 2001

MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE. FOR THE RECORD, I'M REPRESENTATIVE EARL RENNERFELDT, DISTRICT 1. I'M HERE TO INTRODUCE HB 1284.

THIS LEGISLATION IS BEING INTRODUCED AT THE REQUEST OF THE BUFORD TRENTON IRRIGATION DISTRICT IN NORTHWEST NORTH DAKOTA.

THE WAY THE LAW READS TODAY IS, IF THE DISTRICT IS UNDER 10,000 ACRES THE IRRIGATION DISTRICT DIRECTORS CAN BE ELECTED AT LARGE. IF THE DISTRICT CONTAINS 10,000 ACRES OR MORE, IT MUST BE DIVIDED INTO FIVE OR SEVEN DIVISIONS OR PRECINCTS. ONE DIRECTOR MUST BE ELECTED FROM AND BY THE ELECTORS OF EACH DIVISION OR PRECINCT. TO BE A DIRECTOR YOU MUST BE A RESIDENT OF THE STATE AND A LANDOWNER IN THE DISTRICT.

THE BUFORD TRENTON DISTRICT IS OVER 10,000 ACRES AND THEY ARE HAVING TROUBLE FINDING A DIRECTOR FROM EACH PRECINCT. THE CAUSE OF THIS PROBLEM IS THAT SIZE OF THE OPERATIONS CONTINUE TO GROW AND THE NUMBER OF OPERATIONS CONTINUE TO SHRINK. THERE ARE ALSO A LOT OF ABSENTEE LAND OWNERS, WHICH ALSO ADDS TO THE PROBLEM.

THE 10,000 ACRES LIMIT WAS PUT INTO THE CODE IN 1941, BACK WHEN THE SIZE OF THE AVERAGE FARM WAS MUCH SMALLER. WHAT THIS BILL WOULD DO, VERY SIMPLY, IS INCREASE THE 10,000 ACRE LIMIT TO 20,000 ACRES.

I ASK FOR YOUR FAVORABLE SUPPORT ON THIS BILL.

TESTIMONY OF ENGROSSED HOUSE BILL 1284

Senate Agriculture Committee

Milton Lindvig, Director, Water Appropriation Division
State Water Commission

March 8, 2001

Mr. Chairman and Members of the Senate Agriculture Committee, I am Milton Lindvig, Director of the Water Appropriation Division for the State Water Commission and I appear in support of Engrossed House Bill 1284.

House Bill 1284 amends ND Century Code Section 61-06-01. It increases the acreage in an irrigation district from 10,000 to 20,000 before the district must be divided into precincts or divisions for the purpose of electing the Board of Directors. When a district is divided into precincts or divisions, a director must be elected from each division or precinct. This bill would allow directors to be elected at-large in districts consisting of less than 20,000 acres.

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There are two other irrigation districts in the state that are affected by the current requirement and there may be another that will need to divide into divisions in the near future.

The bill also proposes some changes that streamline the language and removes one paragraph that is outdated and no longer applicable. We concur with those changes.

We ask for your favorable consideration of this bill. Thank you.

**TESTIMONY ON HOUSE BILL 1284
SENATE AGRICULTURE COMMITTEE
PREPARED BY REPRESENTATIVE EARL RENNERFELDT
MARCH 8, 2001**

MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE, FOR THE RECORD, I AM EARL RENNERFELDT, REPRESENTATIVE FROM DISTRICT 1. I AM HERE TO INTRODUCE HOUSE BILL 1284.

THIS LEGISLATION IS BEING INTRODUCED AT THE REQUEST OF THE BUFORD TRENTON IRRIGATION DISTRICT IN NORTHWEST NORTH DAKOTA.

THE WAY THE LAW READS TODAY IS, IF THE DISTRICT IS UNDER 10,000 ACRES, THE IRRIGATION DISTRICT DIRECTORS CAN BE ELECTED AT LARGE. IF THE DISTRICT CONTAINS 10,000 ACRES OR MORE, IT MUST BE DIVIDED INTO FIVE OR SEVEN DIVISIONS OR PRECINCTS. ONE DIRECTOR MUST BE ELECTED FROM, AND BY, THE ELECTORS OF EACH DIVISION OR PRECINCT. TO BE A DIRECTOR YOU MUST BE A RESIDENT OF THE STATE AND A LANDOWNER IN THE DISTRICT.

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