

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2293

2005 SENATE NATURAL RESOURCES

SB 2293

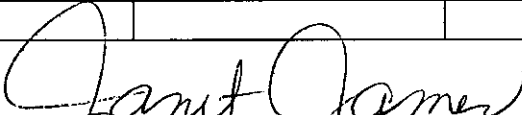
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2293

Senate Natural Resources Committee

Conference Committee

Hearing Date January 27, 2005

Tape Number	Side A	Side B	Meter #
1	X		14.0 - 23.6
Committee Clerk Signature 			

Minutes:

**Senator Stanley Lyson** Chairman of the Senate Natural Resources Committee opened the hearing on SB 2293 relating to conversion of water resource district water supply systems to water districts.

All member of the committee were present.

**Senator Joel Heitkamp** of District 26, cosponsor of SB 2293 introduced the bill as a response of what has happened in Ramsey County. When water systems were formed they were based upon counties. Sometimes a steering committee would get together and form a non profit organization, other times there was a governmental entity so they used the water resource districts or as referred to as the drain boards. These drain boards had the ability to access financing and do the things political sub divisions could do, they in some cases would go out and begin that process of building water systems. These system grew and now they want to be inclusive in terms of who can be on their board and represent the members. Current code needs

to be changed in order for these rights to be allowed for things to be more inclusive in their board structures.

**Stuart Carlson**, ( 16.6) the Executive Director of North Dakota Water Systems Associations testified in support of SB 2293 (See attached testimony).

**Nels Hodgen** ?, manager of Ramsey County Rural Utilities testified in support of SB 2293 (See attached testimony).

**Senator John Traynor** asked if the town of Devil's Lake needed to obtain water for Ramsey County's Water District, would a person be a patron of the Devil's Lake or the rural water district. He also asked what representation the city would have on the board.

**Nels Hodgen** stated that under the present code it would be one meter-one vote concept, so the city would have representation on the board. According to the by laws, it would decide how much representation the city would have on the board. Right now there is 5 board members and there could be seven or a high as nine as provided by currant law.

**Senator Lyson** asked for opposing testimony and hearing non closed the hearing on SB 2293.

**Senator Traynor** made a motion for a Do Pass of SB 2293.

**Senator Michael Every** second the motion.

Roll call vote for Do Pass of SB 2293 was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

**Senator Every** will carry SB 2293.

Date: 1-27-03  
 Roll Call Vote #: 24

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2293**

Senate Senate Natural Resources Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Traynor Seconded By Every

Senators	Yes	No	Senators	Yes	No
Senator Stanley Lyson, Chairman	✓		Senator Joel Heitkamp	✓	
Senator Ben Tollefson, Vice Chair	✓		Senator Michael Every	✓	
Senator Layton Freborg	✓				
Senator Rich Wardner	✓				
Senator John Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Every

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

**REPORT OF STANDING COMMITTEE (410)**  
January 27, 2005 12:50 p.m.

**Module No: SR-18-1199**  
**Carrier: Every**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2293: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the  
Eleventh order on the calendar.

2005 HOUSE POLITICAL SUBDIVISIONS

SB 2293

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2293

House Political Subdivisions Committee

Conference Committee

Hearing Date March 4, 2005

Tape Number	Side A	Side B	Meter #
1		x	22.7 to 35.9
3	x		10.2 to 14.3
Committee Clerk Signature <i>Lauren B. Zink</i>			

Minutes: **Rep. Devlin, Chairman** opened the hearing on SB 2293, a Bill for an Act to create and enact a new section to chapter 61-35 of the North Dakota Century Code , relating to conversion of water resource district water supply systems to water districts.

**Sen. Heitkamp** --representing District 26 and prime sponsor of the bill explained the basis for the bill and in support of it. The is to address a specific problem -- the Ramsey Rural Water -- there are many ways that rural water systems got started -- some began as nonprofit organizations -- some got started as out reaches of water district -- in Ramsey's case that is how it got started. You had the Ramsey County Water Resource District be the genesis of this thing -- when you set them up that way -- what you end up is the only ability of the Directors to be from Ramsey County because of the law -- we are trying to fix that here -- you will here from the manager of that system-- you will learn how that system has expanded -- and how they want to be more inclusive as to who can serve on that board of directors.

**Rep. Zaiser ( 24.2 )** What is your feelings on watershed districts versus water districts?



**Sen. Heitkamp** -- you mean in managing the water -- that gets away from what we are trying get at here in this bill -- but, the question is a fair question in regards to water management -- I think the state would have been better off if years ago they would have manager water in watershed districts instead of water management districts ( by counties ). More and more they are learning to work together to solve the problems now. We have a five county agreement in our area ( southeastern North Dakota )

**Rep. Ekstrom ( 27.0 )** On line 11 -- there it requires that a significant number signatures to make the project the project feasible? With a survey -- a petition ?

**Sen. Heitkamp** -- it is necessary to go out to get petitions. And you are going to have to have public meetings.

**Rep. Kretschmar ( 29.3 )** Please inform the difference between a Water Resource and a Water district?

**Sen. Heitkamp** A water resource district is the old drain board. It is set up by the drain board and now they call themselves a Water Resource District but they had the ability to build these water systems -- setup as non-profits and we had to go out and get financing -- through FHA and now that has change -- because the ND legislature allowed us to become political subdivisions. Now there is a term in code that allows to be district which allows us to do tax free financing. -- I can go to the North Dakota bond bank where we set up the pool for construction on temporary funds.

**Nels Halgren**, manager of the Ramsey County Rural Utilities which operates a rural water system for the Ramsey County Water Resource District testified to explain their need for the bill.

A copy of his prepared remarks is attached.

There being no further testimony for nor against SB 2293, **Rep. Devlin, Chairman** closed the hearing. ( 34.1 ) .

**Rep. N. Johnson** ( 34.5 ) moved a 'Do Pass' motion for SB 2293. **Rep. Ekstrom** seconded the motion. The motion carried on a roll call vote **11 ayes 0 nays 1 absent**. **Rep. Zaiser** was designated to carry SB 2293 on the floor.

**Note:** in a work session later in the day -- **Tape 3 Side A** -- ( 10.2 )

**Rep. Wrangham** moved to reconsider SB 2293. **Rep. Zaiser** seconded the motion. Motion carried on a voice vote.

**Rep. Wrangham** moved an amendment to add the emergency clause to SB 2293. **Rep. Zaiser** seconded the motion for the amendment. The amendments were approved on a voice vote.

**Rep. Wrangham** moved a 'Do Pass as amended motion for SB 2293. **Rep. Ekstrom** seconded the motion. The motion carried on roll call vote **11 ayes 0 nays 1 absent**.

**Rep. Zaiser** was designated to carry SB 2293 on the floor.

End of record ( 14.3 )

Date: March 4, 2005  
Roll Call Vote: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2293

House POLITICAL SUBDIVISIONS Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Rep. Johnson

Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	A				
Rep. Pietsch	✓				
Rep. Wrangham	✓				

Total (Yes) 11

No 0

Absent 1

Floor Assignment Rep. Zaiser

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

Date: March 4  
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2293

House POLITICAL SUBDIVISIONS Committee

Check here for Conference Committee Wray D P asks

Legislative Council Amendment Number Ek 5

Action Taken Reconsider - Wray 30-28

Motion Made By amend - misc Seconded By misc carried

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	✓	
Rep. Johnson	✗				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				
Rep. Wrantham	✓				

Total (Yes) 11 No 0

Absent 1

Floor Assignment Rep Zaiser

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

Date: March 4, 2005  
 Roll Call Vote: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2293

House POLITICAL SUBDIVISIONS

Committee Wrangham Richard - Zaiser 2nd  
Wrangham 2nd - Emergency Clause  
Rep. Zaiser 2nd - carried voice

Check here for Conference Committee

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

Action Taken Do Pass as Amended

Motion Made By Rep. Wrangham Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	A				
Rep. Pietsch	✓				
Rep. Wrangham	✓				

Total (Yes) 11 No 0

Absent 1

Floor Assignment Rep. Zaiser

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

**REPORT OF STANDING COMMITTEE**

**SB 2293: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2293 was placed on the Sixth order on the calendar.**

Page 1, line 3, after "districts" insert "; and to declare an emergency"

Page 2, after line 18, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2005 TESTIMONY

SB 2293

Testimony of  
Stuart Carlson

SENATE BILL NO. 2293  
SENATE NATURAL RESOURCES COMMITTEE  
1/27/2005

A water system created by a water resource district is a political subdivision. The powers of the above mentioned political subdivision include:

Eminent Domain

Police Powers

Policies

Issue Bond

Special Assessments

**The Political subdivision has no power to tax.**

The conversion of a water system established by a water resource district to a water district will not change any of the above mentioned powers and will not grant the water district any additional powers.

The ability of a water system established by a water resource district to convert to water district will enable the newly formed water district to re organize its board structure and eligible board members.

The new water district members will have the ability to elect board representation within the water districts physical boundaries.

North Dakota Rural Water Systems Association supports Senate Bill No. 2293 and asks for a favorable vote from this committee and the full legislative assembly.



Testimony from Ramsey County Rural Utilities for Senate Bill No. 2293.

Ramsey County Rural Utilities (RCRU) is currently operating and maintaining a rural water system for the Ramsey County Water Resource District (RCWRD). RCWRD is the owner of the system and is responsible for all aspects of the system.

The need to change to a Water District has arisen due to the completion of the 9 county system expansion project of which the RCWRD was the sponsor of the project. Prior to the expansion RCRU operated in Ramsey, a small portion of Nelson and a small portion of Towner counties.

The board of directors of RCWRD believe board representation may be needed in the future to the users in the expansion area. During the planning stages of the project interest was expressed from the many new users to have representation on the board from the new service area.

Ramsey County Rural Utilities is not the only rural water system operating under a Water Resource District and feel the change in legislation would benefit all systems who wish to pursue the change to a Water District.

**Testimony from Ramsey County Rural Utilities for Senate Bill No. 2293.**

Ramsey County Rural Utilities (RCRU) is currently operating and maintaining a rural water system for the Ramsey County Water Resource District (RCWRD). RCWRD is the owner of the system and is responsible for all aspects of the system.

The need to change to a Water District has arisen due to the completion of the 9 county system expansion project of which the RCWRD was the sponsor of the project. Prior to the expansion RCRU operated in Ramsey, a small portion of Nelson and a small portion of Towner counties.

The board of directors of RCWRD believe board representation may be needed in the future to the users in the expansion area. During the planning stages of the project interest was expressed from the many new users to have representation on the board from the new service area.

Ramsey County Rural Utilities is not the only rural water system operating under a Water Resource District and feel the change in legislation would benefit all systems who wish to pursue the change to a Water District.