

Senate Bill 2324 Testimony: In Favor – DO PASS
March 6, 2025 | 3:30 pm | House Political Subdivisions Committee

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Chairman Longmuir and members of the Committee,

My name is Lindsey Harriman, and I am the Community Engagement Coordinator for Williams County. I am here today on behalf of Williams County, as we conferred with Senator Bekkedahl in the drafting of Senate Bill 2324.

A Home Rule Charter (HRC) enables a county or city government to exercise flexibility in governance and operations, including the collection of sales tax and implementation of ordinances. North Dakota Century Code (NDCC) Chapter 11-09.1 defines the process in which counties may establish an HRC; a simple majority of the public must vote in favor of the HRC for it to go into effect. A simple majority vote is also required to amend the HRC.

If SB 2324 were to pass, County and City Commissions could make language changes to the sections of a HRC that do not conform or comply with the powers of a HRC as enumerated currently in NDCC Section 11-09.1-05, or as amended by the State Legislature from time to time, by passing a resolution. The resolution would be required to be published once in the official county newspaper or on the County website within 30 days of Commission adoption. This change would be a much more efficient means of bringing an HRC into compliance with state law.

Additionally, when there is conflict between NDCC and an HRC, it is the County's understanding that NDCC prevails. SB 2324 would expedite the process in which a County would follow to ensure the language of their HRC conformed to NDCC Section 11-09.1-05.

It is important to note that SB 2324 **does not** grant authority to a Commission to add new powers or change the purpose of the HRC; that process, leveraging a public vote, would remain the same.

The Williams County HRC was approved by voters in June 2006, with 63% of voters voting 'yes,' and 37% voting 'no.' At the time, the County was initially looking to exercise HRC authority to collect a ½ cent sales and use tax, with revenue going towards the improvement and expansion of the Williams County Law Enforcement Center and Correctional Center. The language of the HRC that was approved by voters also included all of the other powers that were enumerated in NDCC Section 11-09.1-05 at that time. Since then, the language of the Williams County HRC has remained unchanged.

In 2020, we sought the public's approval for updating the language of the Williams County HRC to reflect amendments the State Legislature had made to NDCC Section 11-09.1-05, to align with present-day human resources practices, and to transition the offices of Auditor and Treasurer/Recorder from being elected offices to appointed positions. Voters did not approve of the changes; the HRC-related ballot measures were voted down at both the Primary Election and the General Election.

Lindsey Harriman | Community Engagement Coordinator

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Below are two examples demonstrating the types of changes that could be made if SB 2324 were to pass. These examples were compiled in consultation with our Assistant State's Attorney:

- Removal of outdated taxes that can no longer be imposed by a County Commission (e.g. motor vehicle fuels and special fuels taxes)
- Specific language changes to align with NDCC. This example is an excerpt from the Williams County HRC. The text in blue would be added based on updates to NDCC Section 11-09.1-05 and the red text is what has been removed.

Provide for the adoption, amendment, repeal, initiative, referral, enforcement, and **civil and criminal penalties** for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare. However, this subsection does not confer any authority to regulate any industry or activity which is ~~exclusively~~ regulated by state ~~or federal~~ law or by rules adopted by a state ~~or federal~~ agency. ~~This subsection does not confer the authority to regulate the private use of agricultural chemicals.~~
This section is subject to the provisions of NDCC Section 62.1-01-03.

Thank you for your consideration of SB 2324 and ask for a DO PASS. I am happy to stand for any questions.

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