

January 26, 2023

House Political Subdivisions Committee

HB 1293

Rep. Donald W. Longmuir, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the North Dakota League of Cities. I am the deputy director and attorney for the North Dakota League of Cities.

The North Dakota League of Cities support HB 1293. Although, this bill appears to be long, it only does two things. First, it moves the date elected city and park district officials take office back a week to July first. Second, it allows cities and park districts to organize at their first meeting in July. This summer, League staff held 6 different regional listening sessions and this issue was raised at each session. The reason for the length of the bill is that it must be changed in the different statutes for the three different forms of government for cities and in the statutes for park districts. There is one minor mistake in Section 4 of the bill. I have an amendment I will discuss later that addresses the issue.

First, I need to explain why we are requesting this change. Last session, the North Dakota Legislature passed a bill that moves the election canvassing board meeting from 5 days after the election to 13 days after the election. The canvassing board meeting is where a number of appointed individuals review set aside ballots and finalize the election results. This was a good bill; however, it had some unintended consequences for cities and park districts.

Under current law, North Dakota city and park district leaders take office on the fourth Tuesday in June. They are also required to hold an organization meeting to select their leadership and appoint city appointed officials, such as the city auditor and police chief, at the same time. This set date in the Century Code often requires cities and park districts to hold an extra meeting to organize if they would not normally meet on that date. Additionally, there is a really tight turn around between the canvassing board meeting and newly elected city and park district officials taking office. This tight turn around caused a lot of problems after the June city and park district elections.

The issue is best explained by an example. Under current law, in 2024, city and park district elections will be on Tuesday, June 11. The canvassing board will meet 13 days after the election, on June 24 and, without passing this bill, city and park district elected officials will take office on June 25. This one day turn around does not give cities and park districts time for election recounts and to address other issues when there is a tie or close vote or an individual decides not to accept an office. As a result, we are requesting to move the date that elected city and park district officials take office one week later. Additionally, we are asking to allow city and park districts to have their organization meeting at their first meeting in July, potentially eliminating the need for an additional meeting.

Now I will walk through the bill:

- Section 1 of the bill changes the date elected officials under the modern council form of government take office to July 1.
- Section 2 of the bill provides that cities under the modern council form of government need to organize at their first meeting in July.
- Section 3 of the bill provides that city council members in council cities take office on July 1. This section also relates to if a city would change from another form of government to the council form of government or when a city organizes how the terms of council members would run.
- Section 4 is the section that we are requesting the amendment for. It should provide that cities under the council form of government organize in conjunction with the first meeting in July.
- Section 5 is the section that provides that the commission president and city commissioners in cities under the commission form of government take office on July 1.
- Section 6 is the section that provides that organization of cities under the city commission form of government occurs at the first meeting after the new board takes offices. In other words, it would organize at the first meeting in July.
- Section 7 is a general section for cities operating under the council form of government and provides that all elected officials in these cities take office on July 1. This is the section that makes the change for the office of mayor.
- Section 8 is the general section that states the elected officials in the commission form of government take office on July 1.
- Section 9 provides the elected park district commissioners take office on July 1.
- Section 10 provides that park district commissioners must qualify for their office by July 1. Qualifying for office means that park district officials file their oaths of office.
- Section 11 provides that park districts will organize at their first meeting in July.

These changes would help our cities run more effectively during election time and potentially, allow the city to hold one less meeting. The North Dakota League of Cities requests that you adopt the amendment and provide a DO PASS recommendation on HB 1293.

June

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10 Election Day	11	12	13	14	15
16	17	18	19	20	21	22
23	24 County Canvasses Votes (13 days after election)	25 Current law- Council Members/Commissioners/p ark commissioners take office & organize	26	27	28	29
30	Jul 1 Proposal –council members/commissioner /park commissioner take office	Jul 2	Jul 3	Jul 4	Jul 5	Jul 6

Proposal – Cities and parks will organize at first regular meeting in July

Section 4

40-08-10. Meetings of council - Regular, special, and for organization

The city council shall hold its regular meetings at least once a month on a date certain established by resolution or ordinance of the council, and may prescribe by ordinance the manner in which special meetings may be called as well as the establishment of any additional regular meetings desired. If a regular meeting falls upon a holiday, the meeting must be held upon the next business day with the same effect as if conducted upon the day appointed. All regular and special meetings must be held at a time and place designated by the city council. The ~~first~~ meeting for the organization of the city council must be held in conjunction with the first meeting in July ~~on the fourth Tuesday in June~~ of each even-numbered year.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

Page 2, line 8, overstrike “first”

Page 2, line 8, after “held” insert “in conjunction with the first meeting in July”

Page 2, line 8, remove “first”

Page 2, line 8, overstrike “on the Tuesday”