

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

22/4

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Deanna D. Smith
Operator's Signature

12/21/03
Date

2003 SENATE POLITICAL SUBDIVISIONS

SB 2214

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10/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2214

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date: January 30, 2003

Tape Number	Side A	Side B	Meter #
1	X		0 - 904
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

CHAIRMAN COOK called the Political Subdivisions Committee to order. All members (6) in attendance.

CHAIRMAN COOK opened the hearing on SB 2214 relating to rewards offered by a board of county commissioner.

Vern Davis, Morton County Parks Directors, Spoke in favor of raising the amount of reward for vandalism to a minimum of \$500.00 plus, depending on the severity of the vandalism. The reward money now is \$10.00 to \$100.00 Mr. Davis thinks the county commissioners should decide on the amount.

SENATOR POLOVITZ asked what chapters 12.1-21 and 12.1-23 said.

SENATOR COOK asked TeLisa Nemec, Intern to look the chapters up.

SENATOR SYVERSON asked Mr Davis if he had any recommendation on the amount of reward if you feel that the reward should be higher than \$500.00.

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Senate Political Subdivisions Committee

Bill/Resolution Number SB 2214

Hearing Date January 30, 2003

Vern Davis feels if something real serious happens the county commission should set the amount of reward depending on the funds available.

SENATOR SYVERSON asked what considerations went into settling on five hundred dollars.

SENATOR COOK picked five hundred dollars as a minimum starting point but would support amendments that would have county commissioners set the reward amount. If the committee feels there should not be a limit that is what we should do.

SENATOR CHRISTENSON asked what budget element this reward money is drawn from. The general fund or something set up and put aside for this.

Vern Davis believes it is the general fund.

TeLisa Nemecek, Intern answered Senator Polovitz question. 12.1-21 and 12.1-23 relates to damaging public services and property, theft and related offenses.

No testimony opposed to SB 2214

CHAIRMAN COOK closed the hearing on SB 2214.

Discussion:

SENATOR JUDY LEE moved to amended SB 2214

SENATOR CHRISTENSON seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

SENATOR SYVERSON moved a DO PASS as Amended.

SENATOR POLOVITZ seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: SENATOR SYVERSON

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Operator's Signature

Date

10/21/03

30577.0101
Title.0200

Adopted by the Political Subdivisions
Committee
January 30, 2003

JB
1-31-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2214

Page 1, line 7, overstrike "of a sum not exceeding", remove "five", and overstrike "hundred dollars"

Renumber accordingly

Page No. 1

30577.0101

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10/21/03
Date

Date: 1-30-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2214 Adopt Amendments

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendments Adopted

Motion Made By Senator Judy Lee Seconded By Senator Christenson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

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Deanna D. Smith
Operator's Signature

10/21/03
Date

Date: 1-30-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES *Do Pass*
BILL/RESOLUTION NO. SB 2214 AS Amended

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Senator Syverson Seconded By Senator Polovitz

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Syverson

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

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Deanna Wall
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10/21/03
Date

REPORT OF STANDING COMMITTEE (410)
February 4, 2003 9:29 a.m.

Module No: SR-21-1587
Carrier: Syverson
Insert LC: 30577.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2214: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "of a sum not exceeding", remove "five", and overstrike "hundred dollars"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-21-1587

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10/21/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

SB 2214

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Deanna D. Hall
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12/21/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2214

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date: February 28, 2003

Tape Number	Side A	Side B	Meter #
1	X		0.0-17.9
Committee Clerk Signature <i>Micki Schmidt</i> 3-20-03			

Minutes:

TAPE 1; SIDE A:

(0.0) CHAIRMAN GLEN FROSETH: I'll have the clerk call the roll: we have a quorum. We will open the hearing on SB 2214.

(0.9) REP. RAEANN KELSCH: (Testimony in support) This is kind of a housekeeping bill. It just allows the Board of County Commissioners a reward for the apprehension and conviction of each individual violating the provisions of chapters 12.1-21 and 12.-23. 12.1-21 deals with damaging property or public services, dealing with arson, endangering by fire explosion, failure to control or report a dangerous fire, negligent act resulting in fire with the penalty section in there, release of destructive forces, criminal mischief, tampering with or damaging a public service, interference with telephone during an emergency call and consent of the defense. 12.1-23 deals with theft and related offenses and those sections are consolidation of theft offenses, theft of property, disarming or attempt to disarm a Law Enforcement Officer, theft of services, theft of

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10/21/03
Date

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House Political Subdivisions Committee

Bill/Resolution Number SB 2214

Hearing Date: February 28, 2003

property loss, mislaid, or delivered by mistake, grading of sex offenses, unauthorized use of a vehicle, misapplication of a trusted property, defrauding your creditors, removal of identification marks, possession of altered property, dealing in stored property, duplication of keys, defenses of proof as to theft to related offenses, definitions for theft or related offenses, unauthorized use of personal identifying information and a penalty section, and a jurisdiction conduct outside of this state. So that is what those two chapters deal with.

(3.1) REP. DALE SEVERSON: Is there any other portion of the law that deals with drugs?

(3.2) REP. RAEANN KELSCH: No, it's just related to the theft and property damage. Those are the two sections that we related it to. The biggest reason why is based on the story that Mr. Davis has to tell us.

(3.6) CHAIRMAN GLEN FROSETH: I noticed in chapter 12.1-21 that some of the subsections in there do have penalties. Interference with telephone during an emergency has a Class C felony if it's done intentionally, or a Class A misdemeanor if it's done recklessly.

(3.9) REP. RAEANN KELSCH: They do provide for penalty and this would be something that the County Commissioners would be able to offer a reward. It's a little bit different because this bill offers the reward in excess of that and depending on what the issue was and the damage.

(4.5) VERN DAVIS; DIRECTOR OF MORTON COUNTY PARKS: Last August I had a call to go up to Blue Grass Cemetery, NW of New Salem and take a look. He said it's been destroyed. In 1977, ND State Law said counties will take care of abandoned cemeteries. Approximately 75 to 80 percent of the tombstones were tipped over. Some of them were tall, old columnar ones that were broken in half. It was a shame. It cost Morton County Parks about \$3,000 by the time we had everything fixed. I went to our County Auditor, Paul Trauger and

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House Political Subdivisions Committee

Bill/Resolution Number SB 2214

Hearing Date: February 28, 2003

asked what can we offer for a reward for information? He sort of laughed at me. I went to the Sheriff's department, they said they couldn't do much. The law says \$10 to \$100 can be offered for a reward for information for this type of offense. Nobody is going to squeal on anyone for ten bucks! So I talked to Sen. Cook and said I'd like to see this changed. We would like to see in the bill that a county can offer a reward of whatever we feel is right, rather than limited to \$100 maximum. Also the County Commission would know how much they could afford for a reward.

(7.4) REP. BRUCE ECKRE: Do you know if any of the other political subdivisions like the cities and park districts in ND are also limited by statute of what they can offer for a reward?

(7.6) VERN DAVIS: I don't know.

(7.7) REP. CAROL NEIMEIER: What year was this put into statute?

(7.8) VERN DAVIS: This goes back to the 1950's I believe, and updated in 1981.

(8.3) CHAIRMAN GLEN FROSETH: If the criminal is apprehended, are you able to recover your costs for the damage?

(8.3) VERN DAVIS: I believe you can, as part of their fine. You can put the reward amount that was paid into the fine. We've had some clues as to who did the damage in the cemetery, but you can't go on hearsay. It took nearly our whole tax base to fix this one cemetery, and we take care of ten cemeteries. We mow them three times a year before the holidays and we work real hard on this project.

(9.6) CHAIRMAN GLEN FROSETH: If this bill passes and becomes effective August 1, 2003, is there still time for you and do you feel an increase in the reward would enable you to capture or get more information?

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10/21/03
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House Political Subdivisions Committee

Bill/Resolution Number SB 2214

Hearing Date: February 28, 2003

(9.9) VERN DAVIS: I don't know. After one year, I don't think the situation is going to be put to rest. If we get information and get ideas to help prove it.

(10.0) CHAIRMAN GLEN FROSETH: We could amend the emergency clause on here so it will become effective as soon as the Governor signs it. That would probably give you a few extra months.

(10.5) REP. ALON WIELAND: What would you offer as a reward?

(10.5) VERN DAVIS: I would guess \$500 for a reward and if they had to, they would increase it.

(10.8) REP. BRUCE ECKRE: In the city of Watford a couple of years ago, someone went into the zoo and shot some of the animals at night. The citizens were outraged and we raised thousands real quick. And within days, these younger kids will squeal to get a thousand's of dollars. So for a couple thousand dollars, you can find the criminals, there's no doubt, it works!

(11.5) LEON SAMUEL; RESIDENT OF MORTON COUNTY: (Testimony in support) We had a similar incident happen at our church in New Salem about 15 years ago. The tombstones were tipped over in the cemetery. One of our local people put up a reward for about \$1000. Within about a week or so, we knew who did it. I believe that the kids who did it ended up paying back the reward. It does work.

(12.4) CHAIRMAN GLEN FROSETH: Any testimony in support? Opposition? Seeing none, I will close the hearing on SB 2214.

(12.6) REP. MARY EKSTROM: I WOULD LIKE TO MOVE THE AMENDMENT AND TO INCLUDE THE EMERGENCY CLAUSE.

(12.6) REP. DALE SEVERSON: I SECOND IT.

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House Political Subdivisions Committee

Bill/Resolution Number SB 2214

Hearing Date: February 28, 2003

(12.6) CHAIRMAN GLEN FROSETH: Any discussion? Then I'll take a voice vote on the amendment. 14-y; 0-n; The amendment carries.

(13.0) REP. DALE SEVERSON: I MOVE A DO PASS AS AMENDED.

(13.0) REP. ALON WIELAND: I SECOND IT.

(13.1) CHAIRMAN GLEN FROSETH: Any committee discussion?

(13.2) REP. CAROL NEIMEIER: I can see where increasing this reward possibly is going to be of value. The part that appeals to me is when the criminal has to pay back the reward. However, I think the whole idea is a mercenary thing that our society is getting caught up in already. The fact that somebody who has information could hold off until they see what the reward is going to be, a little delayed justice on that and I would rather see encouragement and citizen responsibility coming forth instead of having to pay off everybody for whatever they do for the good of their community. So, on that basis, I'm going to resist the bill.

(13.9) REP. GIL HERBEL: In a way I agree with what Rep. Niemeier said, but the fact that we can obtain the funds back through the court system, I will support it. In our community in Grafton, a family was the target of some pyromania. The last five years we have been unable to find out who it is and there is some litigation out there. Whoever it is have set a propane tank next to this guy's house about 8 months ago, turned it on and lit it and left. They were out of town at the time and it ended up burning most of their house down. That's the third or forth time, and the people in the community now have raised \$10,000. Yet no one will come forward with any information. So, even with that large of a reward, we haven't been able to find out who it is.

(15.0) REP. DALE SEVERSON: I support this. People these days don't want to get involved. The reward provides an incentive for people to step forward.

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House Political Subdivisions Committee

Bill/Resolution Number SB 2214

Hearing Date: February 28, 2003

(15.8) REP. ALON WIELAND: I will support this. This makes it optional and puts it back on local counties.

(17.1) CHAIRMAN GLEN FROSETH: Any discussion? Seeing none, I will have the clerk take the Roll Call Vote: 13-y; 1-n; 0-absent; Carrier: Rep. Herbel. (17.9)

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10/21/03
Date

30577.0201
Title.0300

Adopted by the House Political Subdivisions
Committee

February 28, 2003

VR
2/28/03

HOUSE

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2214 Pol sub 2-28-03

Page 1, line 2, after "commissioners" insert "; and to declare an emergency"

Page 1, after line 9, Insert:

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

Renumber accordingly

Page No. 1

30577.0201

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Deanna Waller

Date

10/21/03

Date: 2-28-03

Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2214

House POLITICAL SUBDIVISION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30517.0201 Title: 0300

Action Taken Move A DO PASS AS AMENDED

Motion Made By Rep. Severson Seconded By Rep. Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Rep. Mike Grosz	✓				
Rep. Gil Herbel	✓				
Rep. Ron Iverson	✓				
Rep. William Kretschmar	✓				
Rep. Andrew Maragos	✓				
Rep. Dale Severson	✓				
Rep. Alon Wieland	✓				
Rep. Bruce Eckre	✓				
Rep. Mary Ekstrom	✓				
Rep. Carol Niemeier		✓			
Rep. Sally Sandvig	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. Herbel

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

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10/21/03

REPORT OF STANDING COMMITTEE (410)
February 28, 2003 4:11 p.m.

Module No: HR-36-3696
Carrier: Herbel
Insert LC: 30577.0201 Title: .0300

REPORT OF STANDING COMMITTEE
SB 2214, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2214
was placed on the Sixth order on the calendar.

Page 1, line 2, after "commissioners" insert "; and to declare an emergency"

Page 1, after line 9, insert:

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

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-36-3696

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Deanna Walcott
Operator's Signature

12/21/03
Date