

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1197

2005 HOUSE POLITICAL SUBDIVISIONS

HB 1197

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1197

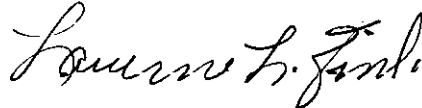
House Political Subdivisions Committee

Conference Committee

Hearing Date January 13, 2005

Tape Number	Side A	Side B	Meter #
1	x		2.7 to 7.3

Committee Clerk Signature



Minutes: **Rep. Devlin, Chairman** opened the hearing on HB 1197 , A Bill for an Act to amend and reenact section 11-23-05 of the North Dakota Century code, relating to the deadline for county budget preparation. The clerk read the bill.

**Rep. Alon Wieland** ( 2.8 ) District 13, a prime sponsor of the bill appear to explain the bill.

This bill changes the date on which the county board will determine the amount of taxes levied for county purposes by specific amounts from on or before October 1st of each year to the date in October for the meeting required under section 11-11-05 of the North Dakota Century Code. As it is under some circumstances especially in the smaller counties it could require a special meeting.

**Rep. Zaiser** : Please explain to me the purpose for this.

**Rep. Alon Wieland:** The primary reason is that it is always up against a time frame at the end of September to do this. And it also happens to be held on a special meeting date. It used to be that the counties were required --- there were specific dates --- dates in the code like the first

Tuesday of January, April, August and October. But not all county commissions meet on Tuesdays. The change would allow them to meet in the first seven days of October. So this became a regular meeting date.

**Wade Williams** representing the North Dakota association of counties appeared in support of the bill. A copy of his testimony is attached..

**Rep. Koppelman** : Do most counties pay the commissioners by the meeting/number of meetings?

**Wade Williams** : Most usually pay by a monthly salary.

**Rep. Koppelman**: So there would be no savings?

**Wade Williams** : Well, there would be a savings in mileage reimbursements.

**Rep. Kaldor** : What's the process --- once they certify -- is there a time consideration from the Certification of the taxes until the tax notices have to go out -- in other words is this going to cause a delay --- ?

**Wade Williams** : No, none.

**Rep. Ekstrom** : What happens if the end of the previous quarter ends on a Friday and can they meet this requirement ? Should this be the first full week?

**Wade Williams** : No, the seven days gives them adequate time.

There being no further testimony either for nor against, **Rep.Devlin, Chairman** closed the Hearing for any HB 1197 . ( 6. 5 )

**Rep. N. Johnson** moved a 'Do Pass' motion for HB 1197. **Rep. Zaiser** seconded the motion.

On a roll call vote the motion carried **11 ayes 0 nays 1 Absent**. **Rep. Zaiser** was designated to

Carry the bill on the floor. **END** of record ( 7.3 ).

Date: *January 13, 2015*  
Roll Call Vote: *1*

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. *HB 1197***

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. Zaiser*

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	<i>A</i>				
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 (410)**  
January 13, 2005 4:39 p.m.

**Module No: HR-08-0459**  
**Carrier: Zaiser**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1197: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Eleventh order on the calendar.

2005 SENATE POLITICAL SUBDIVISIONS

HB 1197

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1197

Senate Political Subdivisions Committee

Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	X		5575- End
1		X	0 - 304

Committee Clerk Signature



Minutes:

**Chairman Cook** opened the hearing on HB 1197 relating to the deadline for county budget preparation. All members (6) present.

**Representative Alon Wieland**, District 13, West Fargo, ND introduced HB 1197. (See attachment # 1)

**Wade Williams**, Government Relations, ND Association of Counties, testified in support of HB 1197. (See attachment #2)

**Senator Dever**: Aren't we doing the same thing as if we said November 1st.

**Wade Williams**: All of the budget have to be completely finalized and printed in the paper by October 15th. So we could not go back to November 1st. We would be affecting another section of code.

No further testimony for or against HB 1197.

Chairman Cook closed the hearing on HB 1197.



**Chairman Cook** asked the committee for discussion and action.

**Senator Triplett** moved Do Pass.

**Senator Hacker** seconded the motion.

Roll call vote Yes 6 No 0 Absent 0

Carrier: **Senator Triplett**

Date: 3-10-05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1197

Senate Political Subdivisions

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Senator Triplett Seconded By senator Hacker

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent

Floor Assignment Senator Triplett

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

**REPORT OF STANDING COMMITTEE (410)**  
March 10, 2005 1:06 p.m.

**Module No: SR-44-4638**  
**Carrier: Triplett**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1197: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1197 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

HB 1197



Representative Alon Wieland  
District 13  
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# NORTH DAKOTA HOUSE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



COMMITTEES:  
Human Services  
Political Subdivisions  
**APPROPRIATIONS**

Testimony  
HB 1197  
Representative Alon Wieland

Chairman Cook, members of the committee. My name is Alon Wieland, representative from District 13. I thank you for the opportunity to appear before you today to present this bill.

This is a simple bill that changes the date which the county board determines the amount of taxes that shall be levied for county purposes by specific amounts.

The day would be changed from on or before October first of each year to the date in October required by Section 11-11-05. This change will allow counties to use regular meeting dates as opposed to special dates and will not interfere with the amount of time needed by the county auditors to complete their tasks.

I hope you will look upon this legislation in a positive light and pass it out of committee with a "Do Pass". Thank you and I will attempt to answer any questions.

**TESTIMONY TO THE  
SENATE POLITICAL SUBDIVISION COMMITTEE**

Prepared March 10, 2005 by  
Wade Williams Government Relations  
North Dakota Association of Counties

*Same given  
to the  
House*

**REGARDING HOUSE BILL 1197**

Chairman Cook and members of the Senate Political Subdivision Committee. I thank you for the opportunity to address you for the counties in regard to HB1197.

Counties have been required by NDCC 11-23-05 (attached) to determine the amount of the levy to be levied on or before October 1st. If a County board is unable to complete the budget process at it's meeting in September, this requirement often forces a special meeting before the end of September. Since NDCC 11-11-05 (attached) already requires a county board meeting during the first week of October, we believe making these two requirements the same could reduce the number of meetings.

This bill would reduce the number of meetings a county board would need to hold during the budget process.

Our Association appreciates your consideration of this legislation and urges a DO PASS on HB 1197.

**11-23-05. Computing amount of levy.** The amount which the board of county commissioners shall levy as the county tax shall be computed by adding together the amounts of the annual appropriation and of that part of any special appropriation which is to be raised by taxation and deducting therefrom so much of the probable receipts from all sources, except loans, and so much of the unappropriated balance in the county treasury at the close of the auditor's books for the previous year as the board deems advisable. The board, on or before October first of each year, shall determine the amount of taxes that shall be levied for county purposes and shall levy all such taxes in specific amounts.

**11-23-06. Expenditure cannot be made in excess of appropriation.** No county expenditure may be made or liability incurred, nor may a bill be paid for any purpose, in excess of the appropriation, except as provided in section 11-23-07.

**11-23-07. Transfer of money from other funds.** If the appropriation for any purpose is not sufficient to meet the expenditures required by law, the county auditor, on the order of the board of county commissioners, may make a transfer to the required fund from any other fund, except from sinking and interest funds set aside to pay the principal or interest on outstanding bond issues, or from funds set aside to retire any other outstanding indebtedness, or from funds received from the state for road, bridge, and highway purposes. The board shall place on its records a statement of all of such transfers, with the reasons therefor in detail, and shall report fully and specifically thereon in the published statements of its proceedings.

**11-23-08. Expenditure when no appropriation made.** Repealed by S.L. 1989, ch. 153, § 3.

**11-23-09. Expenditures - Bills approved - Unexpended balances.** The expenditure of money by a county shall be in accordance with the annual appropriations of the board of county commissioners. All bills in connection with any public office or undertaking shall be approved by the official or officials in charge of the office or undertaking before being allowed by the board of county commissioners. At the closing of the auditor's books on December thirty-first, the balance to the credit of each annual appropriation shall become a part of the general unappropriated balance in the county treasury. A special appropriation, however, shall not lapse until the work for which it was made has been completed, the bills paid, and the account closed, provided that the county fair fund mentioned in section 4-02-27.2 shall not be affected by this section but shall be maintained as a continuing fund for the maintenance of the county fair.

**11-23-10. Auditor's report of county receipts and expenditures.** At the end of each fiscal year, the county auditor shall render to the board of county commissioners an account of all county receipts and expenditures.

**11-23-11. Penalty for violating county budget provisions.** Repealed by S.L. 1975, ch. 106, § 673.