

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1328

2005 HOUSE POLITICAL SUBDIVISIONS

HB 1328

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1328

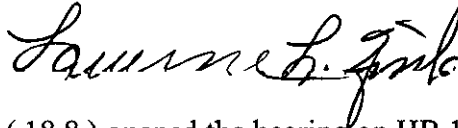
House Political Subdivisions Committee

Conference Committee

Hearing Date January 20, 2005

Tape Number	Side A	Side B	Meter #
1	x		18.8 to 48.8

Committee Clerk Signature



Minutes: **Rep. Devlin, Chairman** ( 18.8 ) opened the hearing on HB 1328, A Bill for an Act to amend and reenact subsection 8 of section 57-15-06.7 of the North Dakota Century Code, relating to the county levy limitation for historical works; and to provide an effective date.

**Rep. Galvin from District 33** prime sponsor appeared to introduce the bill. The bill is a very simple bill to understand -- the bill increases the mil levy from  $\frac{1}{4}$  mil to  $\frac{1}{2}$  mil for historical works. This is not a mandate --- it is still up to the county commissioners. Another part of the bill says that the levy may be increased by a 60% of the voters approving an increase. In the bill you will see 'three-quarters' and 'three-fourths', those are just style corrections. One quarter in Mercer County generates only \$4000 -- we are a small county. **Rep. Galvin** had an E-mail sent to him just prior to his testifying and Rep. Herbal, Vice Chairman read it into the record. A copy of that E-mail is attached. Rep. Galvin asked for the committee's support by passing this legislation.

**Rep. Zaiser** ( 23. 3 ) Our heritage and history are very important. I think -- would it be appropriate to increase that to one mil for some of these rural counties?

**Rep. Galvin:** It makes a lot of sense and is consistent with the E-mail. The increase in the 1/2 mil will help to provide a consistent amount of money from year to year.

**Adolph Miller** a farmer and former County Commissioner from Stanton, North Dakota appeared in support of the bill. Rep. Herbal, Vice Chairman also pointed out the need by citing their need for \$75 -100, 000 for an addition to their historical museum. Their tax revenue isn't sufficient to pay such a loan.

**Rep. N. Johnson :** In your county vote last year did you get close to 50% ?

**Adolph Miller :** No , we lost pretty good -- we didn't get only about 40%.

**Rep. Wrangham :** ( 29.8 ) Is there a definition somewhere for 'historical works'?

**Adolph Miller :** Yes I am trying to get that for you here -- in 11-11-53. We are allowed to use up to \$5,000 from the general fund.

**Rep. Kaldor :** ( 31.8 ) When we address this legislation we will have convince your voters that the legislature is smarter than they are --- since they turned it down.

**Adolph Miller** May be we didn't do our home work well enough.

**Rep. Zaiser :** ( 32.7 ) Again , I feel that historical preservation is real important --- how do your county commissioners feel about it?

**Adolph Miller :** At the meeting on Tuesday, one of the commissioners said we feel that you did it right but it didn't help. They said they would like to help us ( the historical board ). I can't say for the other two commissioners. We have a good museum at Beulah and we invite you to come see it.

**Rep. Koppelman** ( 34.2 ) What does you historical group do in Mercer County do you have a museum and a park too? The county could appropriate up to \$5,000 but are doing only half that if I remember correctly? Is that in law somewhere or different in other counties?

**Adolph Miller** : My board maintains the museum but we done sponsor a lot of other events, parades, historical events. The \$5,000 is right in the century code.

**Terry Traynor** representing the North Dakota Association of Counties appeared in support of HB 1328. It is permissive as the testimony has said . It is still the county commissioner's option to levy this at whatever level that the legislature will authorize.

**Rep. Herbel, Vice Chairman** : ( 36.5 ) Do you know whether or not or how many counties have maxed out their this ¼ mil ?

**Terry Traynor** : I do have it -- currently there are 44 counties that levy this levy -- the average is .30 of a mil and the maximum is a 1/2 mil.

**Rep. Herbel, Vice Chairman** ( 37.7 ) A follow up question -- in the last few years -- how many counties have put this issue on the ballot and how was it supported?

**Terry Traynor**: I don't know.

**Rep. Zaiser** : ( 38.3 ) I don't know what mil will bring in some of these counties -- can you put that into dollars?

**Terry Traynor** : The lowest is \$2,000 for 1 mil in Sioux County and to \$328,000 in Cass County. The average is about \$8,000 but in many counties it is about \$5,000 for each mil.

**Rep. Ekstrom** : ( 39.8 ) We don't want to be making end runs around the electorate but have you thought of a solution?

**Terry Traynor** : I don't believe you would be making an end run if you provide the optional authority.

**Rep.Devlin, Chairman** ( 40.7 ) Other than the mil levy , the county can put another \$5,000 out of the general fund. Do you have any idea how many are levying that?

**Terry Traynor** : I don't know that but I do know that 43 counties are at their maximum mil allowance. That would make it difficult for them to take any more out of there general fund.

**Rep.Devlin, Chairman** : ( 41.8 ) Does that take into account the allowable inflation factor?

**Terry Traynor** The law allows -- the law between 1981 and 1994 the legislature allowed a percentage growth and after that the only increase they can get is if valuation goes up.

**S. F. Hoffner** : Representing the Missouri Valley Historical Society and spoke of his experiences with his historical village at Bismarck. Mr. Hoffner also stated that Rep. Herbal, Vice Chairman thought another bill currently before the legislature might do more for the county historical boards. Mr. Hoffner did speak in support of HB1328.

**Rep. Koppelman** ( 45.6 ) How much of your funding comes from the taxpayers versus contributions?

**S. F. Hoffner**: I think it is contributions -- we are a 501 3C -- therefore the contributions are federal tax deductible.

There being no further testimony for nor against HB 1328 **Rep.Devlin, Chairman** closed the hearing on HB 1328. ( 48.4 ).

In work session **Rep.Devlin, Chairman** opened the discussion for action on HB 1328. Part of the record was not recorded at the end of the tape. **Rep. Koppelman** moved a 'Do Not Pass' motion for HB 1328. **Rep. Herbal, Vice Chairman** seconded the motion. On a roll call vote the

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House Political Subdivisions Committee  
Bill/Resolution Number HB 1328  
Hearing Date January 20, 2005

motion carried **10 yeas 0 nays 2 absent. Rep.Devlin, Chairman** was designated to carry HB 1328 on the floor. End of record off the tape between tape three and the beginning of tape four.

Date: January 20, 2005  
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1328

House POLITICAL SUBDIVISIONS

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

DO NOT Pass

Motion Made By

Rep. Koppelman

Seconded By

Rep. Herbel

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

Total (Yes)

~~10~~ 10

No

0

Absent

2

Floor Assignment

Rep. Devlin

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



**REPORT OF STANDING COMMITTEE (410)**  
January 21, 2005 8:22 a.m.

**Module No: HR-14-0824**  
**Carrier: Devlin**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1328: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends DO NOT PASS (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1328 was placed on the Eleventh order on the calendar.**