

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2173

2005 SENATE POLITICAL SUBDIVISIONS

SB 2173

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2173

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 20, 2005

Tape Number	Side A	Side B	Meter #
1	X		0 - 1475
Committee Clerk Signature <i>Shirley Long</i>			

Minutes:

Senator Cook called the committee to order. Roll call was taken with all committee members (6) in attendance.

Senator Cook opened the hearing on SB 2173 relating to compensation of county planning commissioner members.

Senator Wardner, District 37, Dickinson, ND, Prime Sponsor introduced SB 2173. The request for this bill was from Stark County commissioners. This bill is relating to compensation for county planning commission members.

Wade Williams, North Dakota Association of Counties testified in support of SB 2173. (See attachment #1)

Senator Gary Lee: It talks about the forty five dollars, but then in line 13 it says in addition to any salaries members of the planning commission receive from any other source from the state or

county or any municipality. Can you offer some explanation on what that means and why that needs to be there.

Wade Williams: I would believe that if a county commissioner would be a member of that zoning committee, which in a number of areas they are, they would also be getting their monthly stipend from the county plus that forty five dollars for that meeting. If they serve on a social service board they receive what ever the county has designated up to that forty five dollars for that meeting plus their monthly salary. Same with the weed board or library board if they should serve on them.

Senator Triplett: It is true is it not that a number of counties have been paying per diem to planning and zoning committee member thinking that it was an acceptable thing to do until the attorney generals office earlier this year told them that it was not acceptable.

Wade Williams: That is correct.

Senator Dever: I wonder why they were not included.

Wade Williams: The only thing I can think of is it was in a different section of code.

Senator Hacker : Could you foresee in the future or has it happened in the past that these boards would ever meet together? If so if a person was on the zoning commission and library board, would they receive a double stipend?

Wade Williams: Their would be no reason for any of them to meet together.

Senator Gary Lee: If the county commissioner is on several of these boards at the same time would they be getting stipend from more than one board?

Wader Williams: That would very from county to county. On the zoning board there is usually only one member of the county commission serving on the board. It is made up of ten to fifteen

other people. So it isn't the commissioners that are having a problem not getting the stipend, it is getting the people from the general public to serve as members of the zoning board. The zoning commission is the largest board.

Senator Dever: I know there is no fiscal impact to the state, but should there be a fiscal note indicating the impact to the counties? Is that forty five dollar number a number that needs to be updated?

Wade Williams: We charge the forty five dollars as that is where all the other boards are at. No one has requested of us to increase that forty five dollar and until that happens we would not ask to increase it.

Allan Erickson, Lobbyist for Township Organization, appeared in support of SB 2173. He feels the forty five dollars should have been in there before and that it was just looked over.
No further testimony for or against the bill.

Senator Cook closed the hearing on SB 2173.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2173

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 21, 2005

Tape Number	Side A	Side B	Meter #
1		X	1331-2881
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Senator Cook opened the discussion on SB 2173. All committee members (6) were present.

Senator Triplett: I think it is a reasonable bill given the fact that several other county boards have similiar authority. It gives the county commissioner the authority to put planning and zoning commissions on the same status as other county boards.

Senator Gary Lee: The dollar amount is reasonable. County commissioners are paid a salary to do a particular job and some of these functions are included in that responsibility so now according to this they could get paid for more than one commission board.

Senator Triplett: You have county commissioners who work at different levels. Some commissioners just show up for one or two meetings a month and don't work very hard. Others carry the load. I think that not everyone is going to be on these committees. The only ones where there would be extra compensation would be planning and zoning. If they are willing to do that work maybe they should get a little extra pay.

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Senate Political Subdivisions Committee

Bill/Resolution Number SB 2173

Hearing Date January 21, 2005

Senator Cook: The county commissioners have no limit as to what they can set their salary at is that correct Senator Triplett?

Senator Triplett: They did take the cap off, so the limit would be with the tolerance of the community.

Senator Cook : So if we removed the right of the county commissioners to pay themselves forty five dollars for participating in some of these special boards. Do we then give them the opportunity to recollect that money by raising their own salaries and then it would apply to all the commissioners instead of rewarding those that work a little harder?

Senator Triplett moved a Do Pass on SB 2173

Senator Dever seconded it

Roll call vote: 4 Yes 2 No 0 Absent

Carrier: **Senator Dever**

Date: 1-21-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2173

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 Dever

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) 4 No 2

Absent 0

Floor Assignment Senator Dever

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

REPORT OF STANDING COMMITTEE (410)
January 21, 2005 12:58 p.m.

Module No: SR-14-0866
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2173: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2173 was placed on the Eleventh order on the calendar.

2005 HOUSE POLITICAL SUBDIVISIONS

SB 2173

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2173

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 24, 2005

Tape Number	Side A	Side B	Meter #
1	x		48.9 to end
1		x	3.0 to 6.0
Committee Clerk Signature <i>Laurie B. Zink</i>			

Minutes: **Rep. Devlin, Chairman** opened the hearing on SB 2173, A Bill for an Act to amend and reenact section 11-33-05 of the North Dakota Century Code, relating to compensation of county planning commission members.

Sen. Wardner representing District 37 and prime sponsor spoke to explain the bill and to support it. It is a bill to allow the County Commissioners to pay the members of the county planing commissions . The salary under the bill is set at \$45 per day but they **may** pay it if the commissioner act to make the payments. In other words it is a local option issue. The reason the Senator sponsored the bill was because the Association of Counties asked him to do so because the origin was from the Senators home county -- Stark County.

Rep. Ekstrom (50.9) How many days per term are we talking about?

Sen. Wardner It is hard to say the number of days -- there is more planning that's going on -- Especially with the city and the county and joint planning commission meetings -- that's one of the reasons because its taking more time.

Rep. Zaiser (51.7) do the city planning embers get paid?

Sen. Wardner -- Don't know -- maybe the people here from the Association of Counties will know that.

Terry Traynor representing the North Dakota Association of Counties stated that this came about because the county believed they had the authority to pay members on most all of their appointed boards such as the social service board, the weed board, and the water board. However, a States Attorney found that the counties do not have that power thus this bill. The language in the bill is permissive.

In response to Rep. Zaiser, Mr. Traynor stated that he did not know whether Home Rule counties had the authority to do so nor did he think that that a member could get paid twice if serving on two boards or joint boards but was not certain about that.

Mr. Traynor's testimony and discussion carried to the end of Side A of tape 1 and on Side B of tape 1 to (6.0).

Rep.Devlin, Chairman closed the hearing as there was no further testimony for nor against SB 2173.

Rep. Maragos moved a 'Do Pass' motion for SB 2173. **Rep. Koppelman** seconded the motion.

On roll call vote the motion carried **11 ayes 0 nays 1 absent**. **Rep. Zaiser** was designated to carry SB 2173 on the floor. End of record (6.9).

Date: 2/24/05
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2173

House POLITICAL SUBDIVISIONS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken D P

Motion Made By Rep. Maragos

Seconded By Rep. Koppelman

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	✓				
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)
February 25, 2005 8:33 a.m.

Module No: HR-35-3650
Carrier: Zaiser
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2173: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2173 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

SB 2173

TESTIMONY TO THE SENATE POLITICAL SUBDIVISION COMMITTEE

Prepared January 20, 2005 by
Wade Williams, NDACo Government Relations
North Dakota Association of Counties

Chairman Cook and members of the Senate Political Subdivision Committee. Thank you for the opportunity to testify in regards to SB 2173.

While the county commission can determine to pay members for their service on most appointed boards, this is currently not permitted for members of the County Zoning Commission. Unlike members of social service boards, library boards, weed boards, and water boards, the county cannot choose to pay (other then mileage costs) those that serve on the Zoning Commission. As the responsibilities of the Zoning Commission are becoming more contentious and time consuming for some counties and it is getting more difficult to find people to serve on the Planning Commission, the counties feel that the County Commission should be granted the authority to provide a reasonable per diem if they see fit.

This bill would allow County Commissions of this state if they saw fit to provide per diem to the Zoning Commission members of their counties. Our Association recommends a **DO PASS** on SB 2173. I would be happy to answer any questions you may have.

**TESTIMONY TO THE
HOUSE POLITICAL SUBDIVISION COMMITTEE**

Prepared February 24, 2005 by
Terry Traynor, Assistant Director
North Dakota Association of Counties

CONCERNING SENATE BILL 2173

Chairman Devlin and members of the Senate Political Subdivision Committee. Thank you for the opportunity to testify in support of SB2173.

While the board of county commissioners can determine to pay members for their service on most appointed boards, this is currently not permitted by statute for members of the County Planning Commission. Unlike members of social service boards, library boards, weed boards, and water boards; the county cannot choose to pay (other than mileage costs) those that serve on the Planning Commission.

As the responsibilities of this body are becoming more contentious and time consuming for some counties, and it is getting more difficult to find people to serve, the counties feel that the option to provide a reasonable per diem is appropriate.

This bill simply takes the same permissive language used for social service board per diem and inserts it into the Planning Commission statute. It would allow County Commissions of this State the option to provide a per diem up to the same limit (\$45/day) of the other appointed boards.

Our Association urges a **DO PASS** recommendation on SB 2173.