

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2324

2005 SENATE POLITICAL SUBDIVISIONS

SB 2324


2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2324

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 27, 2005

Tape Number	Side A	Side B	Meter #
1	X		2545 - 5940
2	X		2389 - 2547
Committee Clerk Signature 			

Minutes:

Chairman Cook opened the hearing on SB 2324 relating to combination boards of park commissioners; and to provide an effective date. All committee members (6) present.

Senator Ed Kringstad, District 35, Bismarck ND, prime sponsor, introduced SB 2324. The bill is asking to amend and provide for the opportunity to develop alternate methods of funding and place them before the electorate. At present the section 49-49 taxing authority for combination board is limited to existing authority and can not be changed as part of the combination plan.

Steve Neu, Director of Parks and Recreation, Bismarck Park District appeared in support of SB 2324. (See attachment #1)

Chairman Cook : Does either the county or city have now a dedicated mill levy for parks.

Steve Neu: The county does, one mill with in the county. They can not levy that on any city that has a park district. There is only one other mill that is allowed and that is by the approval of the city commission, the county can levy in the city. The park district does have a whole body of

allowable mill levies and taxing authority for the municipal park district. General operating cap is thirty eight mill for city park districts. The city is at twenty eight mills now for general operating and with social security, pension and construction work, we are at thirty eight total.

Chairman Cook: So both the county and city have caps right now. If we were to pass this bill what would this do to the caps?

Steve Neu: I don't see this changing the caps at all. On the city side, I think we would look at how would we best fund it. If there would be any funding plan that would change how the statute reads, it would have to be voted on by the electorate.

Senator Triplett: When I first read this language before your testimony it confused me. I think I hear you saying that you believe this language gives you authorization on a combined plan to increase the levy above the caps. I thought it just allowed you to use the money freely across jurisdictions but within the caps. What am I missing that gives you all that extra authority to raise taxes

Steve Neu: You are right on how the law is written right now. If you combined the boards the county levy stays the same. It can not be levied upon the city. In reverse the levy of the city park district stays the same and is only levied on the city. What we are asking is the opportunity to look at that a little differently. If we combined and become a bigger area of service and residence become of a bigger district; should we then look at how we change any of that funding for providing the same service and it is not equitable taxation for providing the services. It would be by vote of the electorate if we needed to change any of funds.

Senator Triplett: I don't have any problems in what you are saying, but I do not see this in the words. Who drafted this for you?

Steve Neu We did, and had some others look at it as well.

Senator Triplett: You might run this by the attorney generals office and see how they would interpret it.

Senator Hacker: Can you draft you own plan?

Steve Neu: The statue in 49-49 allows for the two entities, the county park board and the city park board to develop a plan for consolidation and how the money can be used. It doesn't change the lines on taxation. The plan is to develop a plan and put it before the people.

Senator Hacker: Just a comment, if you don't put a comma after cities, that means that another section of the part applies to what you added as approved by the electorate.

Claus Lemke, Burleigh County Commissioner, testified in support of SB 2324. The city parks are much better equipped to handle the business of parks and recreation. Burleigh County doesn't even have a staff. We have four parks that we manage by contract. He supports the concept. It would be his understanding that we have a three mill levy maximum and we levy only one, so that if we do anything combining, he felt the cap would still apply under this bill. It is kind of strange when you think about it, we can go to three mills today but if this is adopted it has to go to a vote. He supports more research on that also.

Chairman Cook: If it called for an electorate election approved by the voters, when would that election take place?

Claus Lemke: That would have to be thought out in the plan. Any plan would have to consider the cost of the election. The beauty about the election is it is really up to the people and that is really not that bad.

Chairman Cook: Is there two elections or one? Would there have to be approval by the election of the city and also an approval by an election by the county?

Claus Lemke: Both would have to vote. They vote separately.

Senator Kringstad had a comment to make. We have a lot of people who live out side the city that currently use all the park board facility in Bismarck all this time.

No further testimony for or against SB 2324.

Senator Cook closed the hearing on SB 2324.

Discussion

Chairman Cook said this SB 2324 needs a little work on it. Senator Triplett and Senator Hacker are going to form a sub committee to draft the amendments and provide them to the committee.

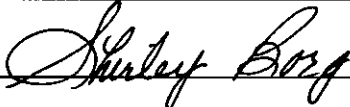
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2324

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 4, 2005 (Action)

Tape Number	Side A	Side B	Meter #
2	X		1229 - 2705
2	X		4610 - 5145
Committee Clerk Signature 			

Minutes:

Chairman Cook opened the discussion on SB 2324. Five members present one absent.

Senator Triplett: Senator Hacker and I brought amendments. We spoke to Jennifer Clark and then passed it on to John Walstad. We asked for two separate amendments for a choices for the committee. One provides the unlimited taxing authority, 58299.0101, the shorter one. One that would leave the relative taxing authority of the two jurisdictions at current caps and would just allow them to use the money across their jurisdiction lines. The longer version 58299.0102 (See attachment 1A and 1 B)

Senator Triplett moved approval of Amendment 58299.0102.

Senator Dever Seconded the motion.

Discussion

Roll call vote: 5 Yes 0 No 1 Absent and not voting.

Amendments were approved.

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number SB 2324

Hearing Date February 4, 2005

Chairman Cook asked Intern Carlee McLeod to look up the difference on caps applied to city park districts and caps applied to country park districts.

Chairman Cook asked the committee to go back to SB 2324.

Carlee McLeod for county parks and recreations 1 mill cap; for joint parks and recreation it is 3 mills and for county parks and recreation facilities it is 3 mills. For cities it is 5 mills cap.

Senator Triplett moved a Do Pass as Amended on SB 2324

Senator Hacker seconded the motion.

Roll Call Vote: 5 Yes 0 No 1 Absent and not voting.

Carrier: **Senator Dever**

58299.0101
Title.

Prepared by the Legislative Council staff for
Senator Triplett
February 4, 2005

PROPOSED AMENDMENTS TO SENATE BILL NO. 2324

Page 1, line 11, overstrike the first "not" and overstrike "or exercise any power that was not otherwise"

Page 1, overstrike lines 12 through 14

Page 1, line 15, overstrike "board which are designated as cities" and remove "or as otherwise"

Renumber accordingly

58299.0102
Title.

Prepared by the Legislative Council staff for
Senator Triplett
February 4, 2005

PROPOSED AMENDMENTS TO SENATE BILL NO. 2324

Page 1, line 11, overstrike the first "not" and overstrike "any tax or exercise any power that was not otherwise"

Page 1, overstrike lines 12 through 14

Page 1, line 15, overstrike "board which are designated as cities" and replace "or as otherwise specified in the plan and" with "taxes within the portion of the combined district outside city limits within the limitations provided by law for a board of county park commissioners and may levy taxes within the portion of the combined park district that is within city limits within the limitations provided by law for city park districts."

Page 1, remove line 16

Renumber accordingly

Date: 2-4-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2324

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Approve Amendment 58299.0102

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	Absent				
Senator Constance Triplett	X				

Total Yes 5 No 0

Absent 1 PS

Floor Assignment _____

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

JP
2-7-5

PROPOSED AMENDMENTS TO SENATE BILL NO. 2324

Page 1, line 11, overstrike the first "not" and overstrike "any tax or exercise any power that was not otherwise"

Page 1, overstrike lines 12 through 14

Page 1, line 15, overstrike "board which are designated as cities" and replace "or as otherwise specified in the plan and" with "taxes within the portion of the combined district outside city limits within the limitations provided by law for a board of county park commissioners and may levy taxes within the portion of the combined park district that is within city limits within the limitations provided by law for city park districts"

Page 1, line 16, remove "approved by the electorate in the affected cities and counties"

Renumber accordingly

Date: 2-4-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2324

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 58299.0103

Action Taken Do Pass as Amended

Motion Made By Senator Ripkitt 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	A				
Senator Constance Triplett	X				

Total Yes 5 No 0

Absent 1

Floor Assignment Senator Dever

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

REPORT OF STANDING COMMITTEE

SB 2324: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2324 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike the first "not" and overstrike "any tax or exercise any power that was not otherwise"

Page 1, overstrike lines 12 through 14

Page 1, line 15, overstrike "board which are designated as cities" and replace "or as otherwise specified in the plan and" with "taxes within the portion of the combined district outside city limits within the limitations provided by law for a board of county park commissioners and may levy taxes within the portion of the combined park district that is within city limits within the limitations provided by law for city park districts"

Page 1, line 16, remove "approved by the electorate in the affected cities and counties"

Renumber accordingly

2005 HOUSE POLITICAL SUBDIVISIONS

SB 2324

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2324

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		40.6 to end
1		x	3.2 to 23.4
Committee Clerk Signature <i>Lauren B. Zwick</i>			

Minutes: **Rep. Devlin, Chairman** opened the hearing on SB 2324, A Bill for an Act to amend and reenact subsection 3 of section 40-49.1-03 of the North Dakota Century code, relating to combination of boards of park commissioners; and to provide an effective date.

Sen. Ed Kringstad representing District 35 and prime sponsor of the bill spoke to explain the basis of the bill and in support. As initially proposed would have amended subsection 3 of section 40-49.1 -01 of the Century Code -- they did not amend it. Basically what they did was -- to allow the taxing authority of two distinct as two distinct taxing entities and two distinct jurisdictions -- basically it does not change a thing in the original section in the code -- what they are asking you to do is to provide amendment which would give or allow the option of to develop alternate funding methods and to place them before the electorate. At present section 40-49 is limited to existing authority and can not be change as part of a combination plan. The statute would also provide for combining in part missions between cities and between cities and a

county or by adjoining park districts. Mr. Steve Neu, director of the Bismarck Parks District is present. Mr. Neu will further explain the bill -- we will ask for your favorable consideration.

Rep. Koppelman (43.4) You are asking us to undo what the Senate did and go back to the original?

Sen. Kringstad -- well -- they didn't approve the amendment --and they rewrote the taxing authorities as two distinct taxing entities and two distinct jurisdictions -- so it don'es do anything that we are trying to accomplish.

Rep. Koppelman (44.0) so you want us to go back to the original?

Sen. Kringstad - That's correct.

Steven Neu, Director of Bismarck Parks and Recreation District spoke in support of the bill. A copy of his prepared remarks is attached. Mr. Neu asked the Committee to consider an additional amendment -- on line 19 - after ""districts" add 'or as otherwise specified in the plan and approved by the electorate in the affected cities and counties.' A copy of that proposed amendment is attached. In closing -- if you saw the amendment not worthy of accepting and moving forward -- I see now need to change the original bill like the Senate did -- I would then ask for a 'do not pass'. If you accept the amendment then a "Do Pass".

Rep. Ekstrom (51.1) In general terms --is there an overlap between boards?

Steve Neu - No there is not an overlap between the boards -- there are two distinct boards -- the city Park Board is elected and

Rep. Ekstrom (51.9) my next question has to do with voter representation -- say if the city is interested in selling a project and the county isn't -- so you are asking the voters to vote for a

combined part or plan -- you see what my problem is -- the city voters or number the county voters --

Steve Neu -- you are quite right the county park district is outside the city limits and the taxing authority is outside the city -- we are asking for the authority to be able to combine and the taxing issue to be part of that plan -- because they are living, working, and playing pretty much together and using the facilities -- then it becomes a much broader service area -- with this then we are able to refine the plan only in part of the service and to include the taxing in that plan and the people could vote on it -- you really aren't changing the district boundaries you are just changing the service area.

Rep. Koppelman (54.4) It appears we are dealing with semantics and thus the confusion here.

If I understood Sen. Kringstad when you are talking about the amendments -- you are talking about the original bill -- which would be an amendment to the Century Code but legislatively speaking -- beyond that you talking about an amendment to first take it back to the original bill and then amend it again

End of side A Tape 1

Side B Tape 1 (continued)

Rep. Koppelman (3.2) (continued) so then are city park and county parks districts are combining on some plans -- into on entity?

Steve Neu -- That is the allowable -- in part ---

Rep. Koppelman (3.5) when that occurs the taxing authority is still keep distinct but what you are asking for it broad taxing authority across the district in the new entities -- and if that occurs

are you asking for a majority vote because if that is the case you have more population in the city portion than in the rural portion of the new area.

Steve Neu -- that would be a detail that would have to be worked out -- the way it is now is that all we would need is a simple majority vote under this subsection.

Rep. N. Johnson (4.3) For example -- in Cass county you would have more than one city district in it -- like Fargo -- West Fargo and then the county --in one park district what you are saying if it goes to a vote in these taxing districts -- if it goes to a vote -- that would have to be in the plan? But there would still be a difference in the voting --?

Steve Neu The way the taxing authority works right now --is within a county the county can not levy on any city that has established park district -- so Cass county could not vote in your example it would be between the cities by agreement between the parties -- one could not swallow up the other - by the agreement it would be an option in or option out of the plan..

Rep. Zaiser (5.8) Is there a clamoring for this on behalf of the constituents?

Steve Neu No but it is an opportunity to approach the planning and develop of new districts in a new way and to serve areas not now being served..

Rep. Zaiser (6.1) So this is something they were asking for this consideration -- this isn't just something drummed up by the administrative staff?

Steve Neu -- No -- I would say not because of these examples here -- just in the 4 - 5 mile fringe area of our community -- we are receiving calls for parks and we are getting calls for program services -- but we do have limitation in providing them the services -- we can provide them but there are costs and there are land acquisitions-- we are seeing the requests coming in.

Rep. Koppelman (7.3) Are these combined boards in existence now?

Steve Neu -- I don't think there are any formalized combined boards in the State of North Dakota between the city and the county park board or county to county -- there are some management agreements -- there are some joint powers -- in our neighbors to the east in Minnesota there are a number of combined parks and recreation districts serving multiple cities and multiple counties in and around Minneapolis and St. Paul.

Rep. Koppelman (7.9) so if there are some management agreements or combination in whatever forms they may exist and we would pass this bill in any form -- is it your opinion this bill would protect those in existence?

Steve Neu -- I don't believe so -- those agreements would continue or they could discontinue them as they see fit or to take them to a new level.

Rep. Koppelman (8.8) So how long has this law been on the books which allow this option.

Steve Neu since 1993.-- but it does not extend to townships.

Rep. Devlin, Chairman (9.1) Under the law you can have only county park districts or city park districts but no township park district.

Steve Neu -- As I understand it --only cities and counties.

Rep. Devlin, Chairman (9.2) someone asked about putting townships into the mix in the revised bill ?

Steve Neu -- Townships do not have parks districts.

Connie Sprynczynatyk representing the North Dakota League of Cities -- we don't represent just the incorporated cities -- we represent all the cities in North Dakota and we have a number of park boards who choose to belong to the League of cities. Our legislative committee supported the original version of this bill .If you do not take it back to the original version then the bill does

not do anything that is not already possible. If you do opt for the original version it does open up new opportunities -- that boards and the citizens to decide if they want to combine -- whether they can achieve any efficiencies. We in North Dakota are one of only four states who have separately elected park board members. State law is quite specific what they can do. The county commissioners have the ability to elect themselves and two other people as a park board and they can levy 1 mil. There are as many demands for services in the county as there are in service areas. We have a library consortium in Bismarck with many, many entities and they sort out the finances at the end of the year. Think what we could do with combining park boards. It still requires the vote of the people. Right now the law constrains what they can do.

Rep. Kaldor (12.9) the language -- going back to the original bill -- says that in a plan otherwise approved by the electorate -- is that set up by the concern of a city versus an out-city population or an non city population voting against it - that they are not forced to join?

Connie Sprynczynatyk -- I don't know how to offer you language to satisfy the concerns that may happen -- that may be what they were trying to do but that leaves us with what we had before and the does not give us the opportunity to do what we are trying to do before.

Rep. Koppelman (15.1) Why create flexibility for entities that do not exist?

Connie Sprynczynatyk -- The demand is growing and people do gravitate to new ideas even though they tend to be resistant to change -- as we grow we find that things are not in place when we need them and the demand is there -- we are simply asking for the ability to ask the voter to plan so that facility is there when it is needed.

Rep. Zaiser (16.5) Is the original bill as it lays out -- if the plan -- it there representation on that combined board? I can see a disproportionate vote in the county to elect that representation.

Connie Sprynczynatyk -- That would have to worked out that out in the plan. Her example of Morton and Burleigh County - the Cities of Bismarck and Mandan -- All different jurisdictions, different tax bases, different valuations --could all work together unde legislation.

Rep. Zaiser How would the representation from the rural area get elected to the board -- with the population being smaller.

Connie Spryynczynatyk -- There are any number of ways -- you could use township supervisor, you could appoint from organizations, have representation from any number of groups --

Rep. Wrangham (18.7) two questions -- the first in referring to Morton/Burleigh County example you used -- would that be a multiple county unit or would in be a couple of county/city units?

Connie Spryncznatyk - The capabilities for -- this dating back to the 1950's and I don't recall any limits on that.

Rep. Wrangham That really doesn't get at what we are trying get at here. In another committee we have another bill that dealt with Health districts and -- they encourage districts to merge -- in that case what they finally did was to hold the residents of each district to be held harmless as far as increases came -- in other words --if a mil levy increase come they would not have to part of it.

Connie Sprynczynatyk-- I actually sat in on that hearing an I believe they used Grand Forks and Traill counties as examples -- so if those two counties were looking at combining and Grand Forks already had a higher mil levy -- so what that bill says that when they do combine one doesn't have to come down in their levy and the other go up -- so what they are doing is getting

around an objection to combining this original bill is doing just that -- taking away the objections and making it attractive by working it out in the plan with full disclosure.

Rep. Wrangham (22.0) it is one thing to have it in the plan but by having in the state statute your are insuring that neither of the entities is going to suffer.

Steve Neu - **Rep. Wrangham** in the testimony I handed out to you the very first paragraph addresses that. -- in the current statute covers that.

There being no further testimony either for nor against **Rep.Devlin, Chairman** closed the hearing on SB 2324. (23.4)

Rep. Kretschmar moved to amend the bill back to the original bill and to further amend the bill the 'dsitricks'. **Rep. Ekstrom** seconde the motion. (the amendments would be drafted by the legislative council) . The motion carried on a voice vote. **Rep. Ekstrom** moved a 'Do Pass as amended ' motion for SB 2324. **Rep. N. Johnson** seconded the motion.

On a roll call vote the motion carried **8 ayes 0 nays and 4 absent.**

Rep. Kretschmar was designated to cary the SB 2324 on the floor.

Date: March 10, 2005
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2324

House POLITICAL SUBDIVISIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

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

Total (Yes)

No

Absent

Floor Assignment

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

REPORT OF STANDING COMMITTEE

SB 2324, as engrossed: Political Subdivisions Committee (Rep. Devlin, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2324
was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over the first "~~not~~" and remove the overstrike over "~~any
tax or exercise any power that was not otherwise~~"

Page 1, remove the overstrike over lines 12 through 14

Page 1, line 15, remove the overstrike over "~~board which are designated as cities~~" and replace
"taxes within the portion of the combined" with "or as otherwise specified in the plan
and approved by the electorate in each of the affected cities and counties"

Page 1, remove lines 16 through 18

Page 1, line 19, remove "districts"

Renumber accordingly

2005 SENATE POLITICAL SUBDIVISIONS

CONFERENCE COMMITTEE

SB 2324

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2324

Senate Political Subdivisions Committee

☒ Conference Committee

Hearing Date March 29, 2005

Tape Number	Side A	Side B	Meter #
1	X		0 - 1693
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Senator Dever opened the conference committee meeting on SB 2324 relating to combination of boards of park commissioner. Senators Dever, Gary Lee, Triplett and Representatives Kretschmar, N Johnson and Zaiser were present.

Senator Dever acknowledge the present of others in the committee room who have had some input into this. We don't ask for testimony in the conference committee but if any member of the conference committee wants to ask questions of them, we do allow that as a resource. It appears to me that the senate amended SB 2324 and the house returned the bill to its original version.

Representative Kretschmar: The consensus of the House Committee and by the house was that we wanted to make it clear that if there is one of these combined boards of park commissioners between a county board and a city board that the taxes could be levied in each of the areas. That is basically the reason that we put the amendment on the bill and passed it that way.

Senator Dever: I believe the senate amendment was with the same intention but maybe the two of them have a different perception of clear.

Representative Zaiser: Now that the house perspective has been outline I suggest that maybe some one could articulate what the senates view on clarity is.

Senator Dever: When we look at our amendments, we say the taxes within the portion of the combined district outside of the city limits will be within the limitation provided by the law for the county commissioners and taxes within the city limits as provided by law for city park districts.

Senator Dever: Perhaps a member of the house would like to express your understanding about the bill as it stands in the house version.

Representative N Johnson: If you take a look at line 16 of 100 and Line 16 on 300 it says in each of the affected cities and counties. We wanted to have each group approve it within their own group. I think that might be what we weren't clear on in the senate amendments.

Senator Triplett: I think we are on the same page but we need to find a way to say it.

Senator Dever asked Steve Neu to clarify.

Steve Neu, Director of Parks and Recreation for Bismarck Park District appeared to explain the bill. I relate it back to the statute 40-49.1. The bill as it allows now for the combination of city county and county city park boards requires a plan to be put before the electorate. In the statute, the language that came out of the house is almost identical to the question of the plan. The plan will be put before a vote in the electorate as well. The question is what do the entities with in that combination plan have to say about the plan itself. As this amendment came forward understanding that the taxes in the combination plan could stay the same. The county levies

currently would stay the same in the county and the city would stay the same or if it is provided for in a different manner in the plan each of the affected entities would vote on any change to that kind of structure. The plan would also include the taxing or funding mechanism as well.

Senator Triplett: That is what we heard you say the first time. Your plan is that you could put together a plan that would authorize going above the otherwise listed limit. We did not like that we wanted to restrict you to the current limit. That was our issue. We are giving the park board, if they can get the electorate to approve, an unlimited mill levy that we don't give the county or city. Why would we want to do that? The reference to the plan approved by the electorate is essentially an open check book.

Representative Zaiser: What level of plan is the plan that you would propose to the county?

Steve Neu: The statute outlines contents. There are very specific items required in the plan. In the present structure the county park board has only one mill. The dollars of support are very small. The statute outlines and provides that those cities must agree to be part of the plan.

Senator Dever: Steve are you OK with the house version to include the words in each?

Steve Neu: Yes

Representative Kretschmar: Do you know whether city park districts or county park districts can by a vote of the electorate increase the mill levies of above what the statute allows now?

Steve Neu: We are not at our cap right now. By votes you can go above those, you can go to a vote and ask for additional mills.

Representative Kretschmar: In looking at the Senate bill 0200, would it work if we add a sentence to make clear that the election to vote be both entities. It could read that the plan must be approved by the electorate in each affected city and county.

Page 4

Senate Political Subdivisions Committee

Bill/Resolution Number SB 2324

Hearing Date March 29, 2005

Senator Triplett: I think that is an excellent idea.

Representative Kretschmar moved a motion that the House recede from its amendments .0201 and further amend .0200 to include "the plan must be approved by the electorate in each affected city and county"

Senator Triplett seconded the motion.

Roll call vote: Yes 6 No 0 Absent 0

Carrier: **Representative Kretschmar - House**

Senator Dever - Senate

Senator Dever concluded the conference committee.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

Bill Number) SB 2324 (, as (re)engrossed):

Your Conference Committee

For the Senate:

	Att.	Vote
Senator Dever (Chairman)	✓	Y
Senator Gary Lee	✓	Y
Senator Triplett	✓	Y

For the House:

	Attendance	Vote
Rep. Kretschmar	✓	Y
Rep. N. Johnson	✓	Y
Rep. Zaiser	✓	Y

Vote by yes 0 No

☐ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
723/724 725/726 S724/H726 S723/H725
the (Senate/House) amendments on (SJ/HJ) page(s) 874 - 874

☐ and place _____ on the Seventh order.
727

☒ , adopt (further) amendments as follows, and place
2324 on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged
and a new committee be appointed. 690/515

((Re)Engrossed) 2324 was placed on the Seventh order of business on the
calendar.

DATE: 3/30/05

CARRIER: Senator Dever

LC NO. 58299 . 0202 of amendment

LC NO. _____ . _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

SB 2324, as engrossed: Your conference committee (Sens. Dever, G. Lee, Triplett and Reps. Kretschmar, N. Johnson, Zaiser) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 874, adopt amendments as follows, and place SB 2324 on the Seventh order:

That the House recede from its amendments as printed on page 874 of the Senate Journal and page 1005 of the House Journal and that Engrossed Senate Bill No. 2324 be amended as follows:

Page 1, line 19, after "districts" insert ". The plan must be approved by the electorate in each affected city and county"

Renumber accordingly

Engrossed SB 2324 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

SB 2324



**BISMARCK PARKS AND
RECREATION DISTRICT**
Est. 1927

Attachment # 1
Bismarck, North Dakota
Sports Illustrated Sportstown
It Starts In Parks!

TO: Senator Dwight Cook and
Senate Political Subdivisions Committee Members

FROM: Steven M. Neu, Director of Parks and Recreation
Bismarck Parks and Recreation District

DATE: January 27, 2005

RE: Supportive Testimony on SB 2324

Senator Cook and Committee Members:

For the record, I am Steven M. Neu, Director of Bismarck Parks and Recreation, and I appear before the Senate Political Subdivisions Committee in support of SB 2324 and to explain the amendment request more thoroughly.

The Bismarck Parks and Recreation District, Burleigh County, the Burleigh County Park Board and the Burleigh County Water Resource District have had several discussions of how to best serve the residents of Burleigh County with parks, recreation facilities and programs. We have discussed, in general, organizational structures, available financial resources, future park development and maintenance. We have also looked at the possibility of a single or consolidated parks and recreation service provider.

We have the methods to develop a single service provider by utilizing joint powers agreements, transferring of duties, and management contracts. The 2004 Bismarck-Mandan Chamber Leadership Program project studied this question and recommended the best alternative for providing parks and recreation in Burleigh County would be a single or consolidated provider that would maximize the resources available for the residents and visitors.

As we have researched the available methods to combine park commissions, we have focused on NDCC 49-49.1 titled Board of Park Commissioners Combination. This statute was adopted by the ND Legislature in 1993. I have provided you a copy for your review.

NDCC 49-49 Section 1 provides for two distinct methods for combining boards of park commissions. 1). By executing a joint powers agreement between the participating commissions, incorporating a plan to combine the boards. 2). By an election to combine the boards.

Section Two describes the process if the election method is chosen.

Section Three outlines the contents a combination plan may specify.

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Subsection 3.1 describes such plan elements as board meetings, budgeting, costs of operation, board memberships, transferring of records, property and debt, personnel, implementation, time line, effective date, expiration and other provisions consistent with existing powers of a board of park commissioners.

Subsection 3.2 relates to status as a political subdivision of the state as a city park board or status of a city park board and a county park board combined and the applicable laws relating to functions and powers.

Subsection 3.3 relates to taxing authority of a combined board. It states a combined board of park commissioners, resulting from a combination of city and county park commissioners, may not levy any tax or exercise any power that was not otherwise conferred within the territorial jurisdiction of the county upon the previous board of county park commissioners, and taxes that may be authorized by law for a city park district may be levied only in areas within the jurisdiction of the combined boards which are designated as cities.

Subsection 3.4 provides for revision and termination procedures in the plan.

Senate Bill 2324 specifically addresses and asks for an amendment to Subsection 3.3 by placing in lines 15 and 16 of the bill the following language:

or as otherwise specified in the plan and approved by the electorate in the affected cities and counties.

This amendment would allow for the commissions considering combining to study and develop a funding plan and allow it to be placed before the electorate if changed from present allowable taxing authority.

It is important that funding, including taxation in a plan for a combination park commission, be addressed to provide the affected residents a complete plan.

I thank you for this opportunity and will answer your questions.

CHAPTER 40-49.1 BOARDS OF PARK COMMISSIONERS COMBINATION

40-49.1-01. Combination of boards of park commissioners - Plan. The membership and functions of a board of city park commissioners may be combined with one or more boards of city park commissioners or with one or more boards of county park commissioners pursuant to a plan adopted pursuant to this chapter. This chapter does not supersede the procedure and requirements of chapter 11-28 with respect to the creation of a joint county park district. A proposal for combining boards of park commissioners may be initiated:

1. By execution of a joint powers agreement between participating city or county boards of park commissioners incorporating a plan for combining boards of park commissioners; or
2. By a petition, signed by ten percent or more of the total number of qualified electors of each affected city park district or county voting for governor at the most recent gubernatorial election and submitted to the city park district or county, incorporating a plan for combining boards of park commissioners.

40-49.1-02. Election on combination plan. If a plan for combining boards of park commissioners is proposed by agreement or petition, the participating or affected boards shall immediately submit the proposed plan to the governing bodies of the affected cities and, if applicable, to the board of county commissioners of any affected county. Those boards shall jointly submit the question of combination to the qualified electors of the affected cities and counties at a primary or general election as specified in the agreement or petition within two years of the initial submission of the agreement or petition, and shall cause the complete text, or a fair and accurate summary, of the plan to be published in the official newspapers of the affected cities and counties, not less than two weeks nor more than thirty days, before the date of the election. The boards of park commissioners may, prior to the election, hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the purpose and provisions of the plan. The plan incorporated in the agreement or petition is effective and becomes operative according to its terms if a majority of the qualified electors voting on the question in each affected city or county approves the plan.

40-49.1-03. Contents of plan - Effect of plan - Limitations - Revision or termination.

1. Notwithstanding any other law regarding the structure of a board of park commissioners, a plan for combining a board of city park commissioners with another board of city park commissioners or a board of county park commissioners may specify:
 - a. The number, selection, functions, qualifications and training, and terms of the members of the proposed combined board;
 - b. The manner of apportionment of the costs of operating the combined board;
 - c. Procedures for the selection, transfer, reassignment, or termination of personnel associated with the combined board and previous boards;
 - d. Procedures for the transfer of powers, records, documents, and property, for the equalization of the property, funds on hand, and debts, and for the adjustment of existing bonded indebtedness and other obligations in a manner which will provide for a fair and equitable burden of taxation for debt service;
 - e. The transition in implementing the plan, including elements that consider the reasonable expectations of current officeholders or personnel such as delayed effective dates for implementation;

- f. A limited application or temporary implementation of the plan, including provisions that permit implementation on a trial or experimental basis such as the expiration of the plan on a date certain in the future, required reapproval of the plan by the electors at a future date, or a phased-in implementation of various components of the plan; and
 - g. Other provisions which are consistent with the powers and functions of a board of park commissioners and with state law.
- 2. As a political subdivision of the state, the combined board of park commissioners has the status of a board of city park commissioners, or the status of both a board of city park commissioners and a board of county park commissioners if both are combined. If applicable, all laws relating to the functions and powers of a board of city park commissioners and, if city and county boards are combined, laws relating to the functions and powers of a board of county park commissioners apply to a combined board of park commissioners.
- 3. A plan for combining boards of park commissioners may not repeal or diminish any general law of the state directing or requiring a board of park commissioners to carry out any function or provide any service. A combined board of park commissioners, resulting from a combination of boards of city and county park commissioners, may not levy any tax or exercise any power that was not otherwise conferred within the territorial jurisdiction of the county upon the previous board of county park commissioners, and taxes that may be authorized by law for a city park district may be levied only in areas within the jurisdiction of the combined board which are designated as cities.
- 4. A plan adopted pursuant to this chapter may be revised or terminated through the procedures set forth in this chapter for adopting a plan.



**BISMARCK PARKS AND
RECREATION DISTRICT**
Est. 1927

Bismarck, North Dakota
Sports Illustrated Sportstown
It Starts In Parks!

TO: Chairman William Devlin
House Political Subdivisions Committee Members

FROM: Steven M. Neu, Director of Parks and Recreation
Bismarck Parks and Recreation District

DATE: March 10, 2005

RE: SB 2324

Chairman Devlin and Committee Members:

For the record, I am Steven M. Neu, Director of Bismarck Parks and Recreation, and I appear before the House Political Subdivisions Committee to address engrossed SB 2324 and to ask for consideration of an amendment.

The Bismarck Parks and Recreation District, Burleigh County, the Burleigh County Park Board and the Burleigh County Water Resource District have had several discussions of how to best serve the residents of Burleigh County with parks, recreation facilities and programs. We have discussed, in general, organizational structures, available financial resources, future park development and maintenance. We have also looked at the possibility of a single or consolidated parks and recreation service provider.

As we have researched the available methods to possibly combine park commissions, we have focused on NDCC 40-49.1 titled Board of Park Commissioners Combination. This statute was adopted by the ND Legislature in 1993. I have provided you a copy for your review.

NDCC 40-49 Section 1 provides for two distinct methods for combining boards of park commissions. 1). By executing a joint powers agreement between the participating commissions, incorporating a plan to combine the boards. 2). By an election to combine the boards.

Section Two describes the process if the election method is chosen.

Section Three outlines the contents a combination plan may specify.

Subsection 3.1 describes plan organization and operation.

Subsection 3.2 relates to status as a political subdivision.

Subsection 3.3 relates to taxing authority of a combined board.

Subsection 3.4 provides for revision and termination procedures in the plan.

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Senate Bill 2324 as originally introduced specifically addressed and asks for an amendment to Subsection 3.3.

The amendment requested to Subsection 3.3 was as follows:

or as otherwise specified in the plan and approved by the electorate in the affected cities and counties.

I have provided you a copy of the introduced bill, SB2324. This amendment would have allowed for the commissions considering combining to study and develop along with the consolidation plan a funding plan and allow it to be placed before the electorate if a change was contemplated from present allowable taxing authority.

The engrossed SB2324 removed the requested amendment and rewrote the allowed taxing authority as two distinct taxing entities with two distinct jurisdictions, as I see it, no substantive change to Section 40.49.3.

As stated, we introduced an amendment to allow for the plan to be placed before the electorate to include possible changes to taxing structure of a combined park commission or district.

I ask for your consideration of an amendment to the engrossed SB2324 as provided to read as follows: In line 19... after district, inserting, "or as otherwise specified in the plan and approved by the electorate in the effected cities and counties." I have provided a copy of the amendment for your review.

If the amendment is not accepted, I would suggest a do not pass SB2324 as it provides little, if any substantive change or impact to current section in NDCC 40.49.1.

To: House Political Subdivisions Committee
From: Steve Neu, Bismarck Parks and Recreation District
Date: March 10, 2005
Re: Senate Bill No. 2324

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2324

Page 1, line 19, after "districts" insert ",or as otherwise specified in the plan
and approved by the electorate in the affected cities and counties

Renumber accordingly