

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2305

2007 SENATE POLITICAL SUBDIVISIONS

SB 2305

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2305**

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2713

Committee Clerk Signature

Shirley Borg

Minutes:

Chairman Cook called the Senate Political Subdivisions Committee to order. All members (5) present.

Chairman Cook opened the Hearing on SB 2305 relating to the membership of a special board to fix damages in county highway right of way condemnations.

Senator Connie Triplett, District 18, Grand Forks, ND, Prime Sponsor, introduced SB 2305.

This is a simple bill. It was brought to my attention by the North Dakota Association of Counties that some counties are having some difficulty putting together these boards that are required occasionally to fix damages on county right away condemnation and the current language says the board has to consist of the county auditor, county treasurer, and the recorder. Not all counties have all those positions anymore and some of them have combined positions. This bill would allow for it to just consist of the person who does the auditing plus two other officials selected by the commission.

Terry Traynor, ND Association of Counties, testified in support of SB 2305 (See attachment # 1)

No further testimony in support, opposed or neutral on SB 2305.

Chairman Cook closed the hearing on SB 2305.

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Senate Political Subdivisions Committee
Bill/Resolution No. SB 2305
Hearing Date: February 2, 2007

Senator Hacker moved a Do Pass

Senator Warner seconded the motion.

Roll call vote: Yes 5 No 0 Absent 0

Carrier: **Senator Hacker**

Date: 2-2-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2305

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Hacker Seconded By Senator Warner

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X		Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair	X		Senator John M. Warner	X	
Senator Nicholas P. Hacker	X				

Total Yes 5 No 0

Absent 0

Floor Assignment Senator Hacker

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

REPORT OF STANDING COMMITTEE

SB 2305: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Eleventh order on the calendar.

2007 HOUSE POLITICAL SUBDIVISIONS

SB 2305

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2305

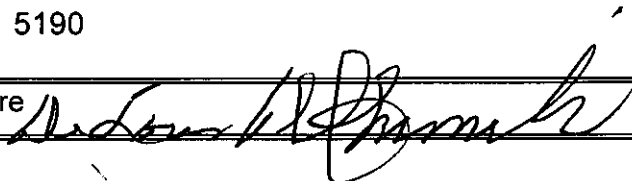
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 16, 2007

Recorder Job Number: 5190

Committee Clerk Signature



Minutes:

Chairman Herbel opened the hearing on SB 2305.

Terry Traynor, Ass't Director of ND Assoc. of Counties: (see testimony #1). Notice the tables on the handout. We have 111 fewer elected officials than we did 10 years ago. That is the reason for this bill. Needed to change the laws because some counties have consolidated and they do not have these specific members.

Rep. William Kretschmar: As I understand the county offers a certain amount for the land and they can take it through condemnation. If the land owner still objects there could be a court case.

Terry Traynor: All they are doing is establishing what the about of the property will be and if that is to be challenged, then the court ultimately decides the amount.

Chairman Herbel: How many counties have combined these offices? Do you have that information listed or with you?

Terry Traynor: Almost every county has used what is termed the "cool cat" legislation to make some changes to their offices. Most of their changes, based on the citizen's wishes, have separated and re separated the offices of the recorder and clerk of court. In most cases, it is a combination. Eddy and Foster Counties had combined their tax collector across county

lines so maybe they can share them so there is quite a variation. Legislatives need to decide what suites their counties best.

Chairman Herbel: Line 12 it say county official; what constitutes county official?

Terry Tray nor: That they are either elected or appointed to that position; they aren't hired.

Chairman Herbel: This is unusual for the sponsor not to be here and we have no other testimony in support or opposition.

Hearing closed

Chairman Herbel reopened the hearing on SB 2305.

Do Pass Motion Made By Rep. William Kretschmar; Seconded By Rep. Steve Zaiser

Rep. Nancy Johnson: Really does not change anything. Just catching up with the changing times.

Vote: 12 Yes 0 No 2 Absent Carrier: Rep. Chris Griffin

Hearing closed.

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2305**

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. William Kretschmar Seconded By Rep. Steve Zaiser

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	X		Rep. Kari Conrad	X	
Rep. Dwight Wrangham-V. Chair	X		Rep. Chris Griffin	X	
Rep. Donald Dietrich	X		Rep. Lee Kaldor	X	
Rep. Patrick Hatlestad	X		Rep. Louis Pinkerton		
Rep. Nancy Johnson	X		Rep. Steve Zaiser	X 13	
Rep. Lawrence Klemin					
Rep. Kim Koppelman	X				
Rep. William Kretschmar	X				
Rep. Vonnie Pietsch	x				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Chris Griffin

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

REPORT OF STANDING COMMITTEE (410)
March 16, 2007 12:57 p.m.

Module No: HR-50-5559
Carrier: Griffin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2305: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2305 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2305

Same given to House

**Testimony To The
SENATE POLITICAL SUBDIVISIONS COMMITTEE
Prepared February 2, 2007 by the
North Dakota Association of Counties
Terry Traynor – Assistant Director**

REGARDING SENATE BILL 2305

Thank you Chairman Cook and members of the Committee for the opportunity to provide support for SB2305, which was introduced at the request of the counties.

County government is changing, and has changed dramatically in the last 10 years. As the attached tables reflect, many of the original statutory positions have been combined within and across counties. These changes have prompted various statutory adjustments, of which SB2305 is one.

The "special board" of NDCC 24-05-10 is created to address the value placed on road right-of-way taken as part of a county road project. Its role is best understood in the context of the additional sections of law included on the back of this testimony.

It was noted by a county using this process that forming the board consistent with the exact reading of the statute is no longer possible in the many counties where two or more of the positions have been combined. Rather than provide for the possible invalidation of the process, it was felt that updating the statute was appropriate.

Mr. Chairman and committee members, we hope that you will agree and give SB2305 a "do pass" recommendation.

24-05-09. Purchase or condemnation of right of way. The board of county commissioners of any county of the state, by resolution or order, as part of the cost of constructing, reconstructing, widening, altering, changing, locating, relocating, aligning, realigning, or maintaining, any highway in said county, may purchase, acquire, take over, or condemn, under the right and power of eminent domain, for such county, any and all lands which it deems necessary for the present use, either temporary or permanent, and to provide adequate drainage in the improvement, constructing, reconstructing, widening, altering, changing, locating, relocating, aligning, realigning, or maintaining of any highways in said county, and by the same means it may acquire said lands notwithstanding the fact that the title thereto is vested in the state or any of its subdivisions. Whenever the board of county commissioners determines, by resolution or order, that the public necessity requires the taking of land as aforesaid, it shall cause said lands to be surveyed and described and a plat thereof prepared and recorded in the office of the recorder of the county wherein the same is located. The board of county commissioners, or its duly authorized agents and employees, may enter upon any land for the purpose of making such survey, examination, or test, but in case of damages to the premises the board of county commissioners forthwith shall pay to the owner of said premises the amount of such damages.

24-05-10. Damages - How ascertained - Special board.

24-05-11. Hearing before special board - Notice. Within fifteen days after the making of an order or the passing of a resolution as provided in section 24-05-10, the special board therein specified shall fix a time and place not later than thirty days from and after the passage of said order or resolution for hearing all persons or parties interested or aggrieved by such taking, and it shall cause notice of said hearing to be served upon all parties interested either by registered or certified mail or by publication thereof, once each week for two successive weeks prior to the date of hearing, stating the time and place where the hearing must be held, together with a description of the property to be appraised. Such published notice must be in lieu of all other notices, and if notice is given by registered or certified mail, the same must be served not less than ten days prior to the date of hearing. Personal service by copy of said notice may be made in lieu of publication or service by mail when made at least ten days prior to the date of hearing, such personal service to be made as a summons in district court is served. At the time and place fixed for said hearing, the special board so organized shall proceed to fix the damages to be paid by the county and any person interested may be heard.

County Officials in 1994

(Excluding Judges)

Instances		County Officials	
		Appointed	Elected
221	Elected County Commissioners		221
53	Elected Auditors		53
53	Elected Treasurers		53
53	Elected Sheriffs		53
53	Elected State's Attorneys		53
22	Combined Elected Clerk/Registers		22
31	Separately Elected Registers		31
31	Separately Elected Clerks of Court		31
53	Elected Supt. of Schools		53
37	Separately Appointed Social Service Directors	37	
7	Appointed Social Service Directors serving 16 counties	7	
53	Appointed Tax Directors	53	
		97	570

County Officials in 2004

(Excluding Judges)

Instances		County Officials	
		Appointed	Elected
221	Elected County Commissioners		221
1	Separately Appointed Auditor	1	
2	Combined Appointed Auditor/Treasurers	2	
1	Combined Appointed Auditor/Tax Director	1	
1	Combined Appointed Auditor/Treasurer/Tax Director	1	
9	Combined Elected Auditor/Treasurers		9
1	Combined Elected Auditor/Treasurers/Tax Director		1
38	Separately Elected Auditors		38
2	Separately Appointed Treasurers	2	
2	Combined Elected Treasurer/Recorders (1 with clerk duties)		2
1	Combined Elected Treasurer/Tax Director		1
35	Separately Elected Treasurers		35
4	Separately Appointed Recorders (1 with clerk duties assigned)	4	
1	Combined Appointed Recorder/Tax Director	1	
23	Elected Recorders without Clerk Duties Assigned		23
23	Elected Recorders with Clerk Duties Assigned		23
14	Separately Appointed Clerks of Court	14	
3	Separately Elected Clerks of Court		3
53	Separately Elected Sheriffs		53
47	Separately Elected State's Attorneys		47
1	Elected State's Attorney elected to serve 2 counties		1
2	Elected State's Attorneys appointed to serve neighboring county		2
46	Separately Appointed Tax Directors	46	
1	Appointed Tax Director Shared by 2 Counties	1	
24	Separately Appointed Social Service Directors	24	
12	Appointed Social Service Directors serving 29 counties	12	
22	Separately Appointed Co. Supt. of Schools	22	
4	Appointed Co. Supt. of Schools serving 2 counties each	4	
23	Co. Supt. of Schools Duties assigned to other office holder		
11	Clerks of Court Moved to State Employment		
		135	459
	Change in County Officials	38	-111

County Offices in 2004

Population 2000		Auditor		Treasurer		Recorder		Inspector		Clerk		Co. Supt. of Schools		State Attorney	
		Status	Combined With	Status	Combined With	Status	Combined With	Status	Combined With	Status	Combined With?	Status	Combined With?	Status	Combined With
2,593	Adams	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
11,775	Barnes	Elected		Elected		Elected		Appointed		Appointed		Assigned	Auditor	Elected	
6,964	Benson	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Elected		Appointed		Elected		Appointed		Elected	
888	Billings	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Shared Appt.	GoldVal SoS	Elected	
7,149	Bottineau	Elected		Elected		Elected		Appointed		Appointed		Shared Appt.	Rolette SoS	Elected	
3,242	Bowman	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Shared Appt.	Slope SoS	Shared Elect.	Slope SA
2,242	Burke	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
69,416	Burleigh	Comb. Elect.	Treas & Tax	Comb. Elect.	Aud. & Tax	Elected		Comb. Elect.	Aud. & Treas	State Employ		Shared Appt.	Morton SoS	Elected	
123,138	Cass	Elected		Elected		Elected		Appointed		State Employ		Assigned	Auditor	Elected	
4,831	Cavalier	Elected		Comb. Elect.	Tax Dir.	Elected		Comb. Elect.	Treasurer	Appointed		Assigned	Auditor	Elected	
5,757	Dickey	Elected		Elected		Elected		Appointed		Appointed		Appointed	Recorder	Elected	
2,283	Divide	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Appointed		Appointed	Auditor	Elected	
3,600	Dunn	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
2,757	Eddy	Elected		Elected		Comb. Elect.	Clerk of Ct.	Shared Appt.	Foster Tax	Comb. Elect.	Recorder	Appointed		Elected	
4,331	Emmons	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
3,759	Foster	Elected		Elected		Elected		Shared Appt.	Eddy Tax	Appointed		Appointed	Auditor	Elected	
1,924	Golden Valley	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Shared Appt.	Billings SoS	Elected	
66,109	Grand Forks	Comb. Appt.	Treasurer	Comb. Appt.	Auditor	Comb. Appt.	Tax Director	Comb. Appt.	Recorder	State Employ		Appointed		Elected	
2,841	Grant	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
2,754	Griggs	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Shared Elect.	Steele SA
2,715	Hettinger	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
2,753	Kidder	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Shared Elect.	McHenry
4,701	LaMoure	Elected		Elected		Elected		Appointed		Appointed		Appointed		Elected	
2,308	Logan	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
5,987	McHenry	Elected		Elected		Elected		Appointed		Elected		Appointed		Shared Elect.	Kidder SA
3,390	McIntosh	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
9,737	McKenzie	Elected		Elected		Elected		Appointed		Appointed		Appointed		Elected	
9,311	McLean	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Elected		Appointed		Appointed		Assigned	Dep. Auditor	Elected	
8,644	Mercer	Elected		Elected		Elected		Appointed		Appointed		Assigned	Auditor	Elected	
25,303	Morton	Elected		Elected		Elected		Appointed		State Employ		Shared Appt.	Burl. SoS	Elected	
6,631	Mountrail	Elected		Elected		Elected		Appointed		Appointed		Assigned	Auditor	Elected	
3,715	Nelson	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
2,065	Oliver	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
8,585	Pembina	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
4,675	Pierce	Elected		Elected		Elected		Appointed		Elected		Assigned	Auditor	Elected	
12,066	Ramsey	Elected		Elected		Elected		Appointed		State Employ		Appointed		Elected	
5,890	Ransom	Elected		Elected		Elected		Appointed		Appointed		Appointed		Elected	
2,610	Renville	Comb. Elect.	Treas & Tax	Comb. Elect.	Aud. & Tax	Comb. Elect.	Clerk of Ct.	Comb. Elect.	Aud. & Treas	Comb. Elect.	Recorder	Assigned	Auditor	Elected	
17,998	Richland	Appointed		Appointed		Appointed		Appointed		State Employ		Appointed		Elected	
13,674	Rolette	Elected		Elected		Elected		Appointed		State Employ		Shared Appt.	Bott. SoS	Elected	
4,366	Sargent	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
1,710	Sheridan	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Assigned	Auditor	Elected	
4,044	Sioux	Elected		Comb. Elect.	Rec. & Clk	Comb. Elect.	Treas. & Clk	Appointed	Sec. for All	Comb. Appt.	Rec. & Treas	Assigned	Auditor	Elected	
767	Slope	Elected		Elected		Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Shared Appt.	BowmanSoS	Shared Elect.	Bowman SA
22,636	Stark	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Elected		Appointed		State Employ		Assigned	Auditor	Elected	
2,258	Steele	Elected		Elected		Comb. Appt.	Clerk of Ct.	Appointed		Comb. Appt.	Recorder	Assigned	Auditor	Shared Appt.	Griggs SA
21,908	Stutsman	Comb. Appt.	Tax Dir.	Appointed		Appointed		Comb. Appt.	Auditor	State Employ		Assigned	Auditor	Elected	
2,876	Towner	Comb. Elect.	Treasurer	Comb. Elect.	Auditor	Comb. Elect.	Clerk of Ct.	Appointed		Comb. Elect.	Recorder	Appointed		Elected	
8,477	Trail	Elected		Elected		Elected		Appointed		Appointed		Assigned	Auditor	Elected	
12,389	Walsh	Elected		Elected		Elected		Appointed		State Employ		Assigned	Recorder	Elected	
58,795	Ward	Comb. Appt.	Treasurer	Comb. Appt.	Auditor	Appointed		Appointed		State Employ		Appointed		Elected	
5,102	Wells	Elected		Elected		Elected		Appointed		Appointed		Appointed		Elected	
19,761	Williams	Elected		Comb. Elect.	Recorder	Comb. Elect.	Treasurer	Appointed		State Employ		Appointed		Elected	