

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2359

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2359

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/05/09

Recorder Job Number: 8794

Committee Clerk Signature

Kate Olive

Minutes:

Senator Dwight Cook: District 34 of Mandan. This bill has to do with the meeting days for county commission hearings. I think that you find that the language is archaic and the amendments will bring it into the 21st Century.

Senator Nodland: District 36 which represents Stark, Dunn, the Western 1/3 of Morton, western 1/3 of Morton, and the western 1/3 of Hettinger County. I was a county commissioner myself and there were many times that we had issues in scheduling meetings because the way the law was written before. Sometimes the calendar has the 1st-3rd is Wed-Fri there are issues with trying to schedule a meeting, especially if there is a holiday that falls right before that day.

Senator Horne: It looks like the law only requires county commissioners to meet 4 times a year?

Senator Nodland: That is correct; the counties will historically meet every month, and will sometimes meet twice in 3 months.

Senator Horne: I think that our county commission meets 2 times a month and have special meetings in-between that.

Senator Nodland: That is possible.

Senator Dever: What we have in this section are requirements that county commissions go beyond but now we are saying that they must.

Senator Nodland: Saying they don't have to meet in the first week

Senator Cook: Yes that is correct.

Bruce Strinden: See attached testimony #1.

Morton County commissioner & I asked Senator Cook to introduce SB2359 On December 2, 2008 we voted to change meetings from 1st Tuesday to 2nd Tuesday of the month. Current language does not allow us to do this. Thus 2359 was introduced, through Senator Cook, this changed 11.11:05 of the Century Code. We received complaints from vendors, moving to the 2nd Tuesday allows us to have all the bills and be able to pay them in a more timely fashion in the same month. The 2nd reason is at the request of our citizens we have been asked to televise our meetings, we would need to move meetings away from city commission right now they are concurrent. Additionally the Mandan Park and School Board have also entered into agreements to televise their meetings as well. The 3rd reason is that having our meetings at the same time in the city commission, Mandan and Morton maintained same law enforcement center and requires commissioner to attend meetings for the other. Morton County Commissioners are requesting SB2359 include emergency clause so changes can be made immediately.

Senator Dever: Where is emergency clause?

Senator Nelson: Were you speaking to amended or original version?

Mary Kay Kelsh: Assistant Attorney General. I fully support this bill. 11.11.05 has to look at the date it was written, and it was written in 1887. Everything is antiquated and because of language, I didn't want the county commission to run into other problems. I was concerned with they have to publish open meetings. They do not have to publish them in the newspaper.

Additionally they have meetings that are not in January, February, and October. Televised requires that the meetings be held at the courthouse.

Senator Nelson: You are switching from January, April, & July, to once a month. Are there counties that don't meet once a month?

Mary Kay Kelsch: Not sure. Most counties that I deal with meet every month.

Senator Nelson: I would think that you could delete that part and say have it be set by ordinance.

Aaron Birst: Association of Counties. Support bill even as amended it is an outdated law. 53 counties meet every month, and most meet more often. Originally came up with that bill we put in day of the week to format how current law was we don't think that this interfere with publishing meeting notices as long as they are following the other open meeting requirements.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2359

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/05/09

Recorder Job Number: 8795

Committee Clerk Signature

Katie Oliver

Minutes:

Senator Cook: Take out at least once a month that is what I meant when I gave my amendment.

Senator Dever: Can we amend the motion to say that? Is there any other discussion?

Senator Cook moved to adopt the amendment with a second by Senator Horne, the motion

passed 5-0. There was no discussion on the amended bill. A motion for a Do Pass was made by Senator Cook with a second by Senator Horne. The motion passed 5-0 with Senator Nelson carrying the bill

JP
2-5-9

PROPOSED AMENDMENTS TO SENATE BILL NO. 2359

Page 1, line 2, after "meetings" insert "; and to declare an emergency"

Page 1, line 7, overstrike "sessions" and insert immediately thereafter "regular meetings" and overstrike "the courthouse, or at the usual"

Page 1, line 8, overstrike "place of holding court,", remove "on a consistent day of the week", overstrike "in", and overstrike "January, April, July,"

Page 1, line 9, overstrike "and October of each year, and may adjourn such meetings from time to time" and insert immediately thereafter "a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission"

Page 1, line 10, overstrike "sessions" and insert immediately thereafter "meetings"

Page 1, line 11, overstrike "sessions"

Page 1, overstrike lines 12 and 13

Page 1, line 14, overstrike "of the board" and insert immediately thereafter "meetings that must be noticed in accordance with section 44-04-20"

Page 1, after line 14, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2359: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Sixth order on the calendar.

Page 1, line 2, after "meetings" insert "; and to declare an emergency"

Page 1, line 7, overstrike "sessions" and insert immediately thereafter "regular meetings" and overstrike "the courthouse, or at the usual"

Page 1, line 8, overstrike "place of holding court," remove "on a consistent day of the week", overstrike "in", and overstrike "January, April, July,"

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Page 1, line 14, overstrike "of the board" and insert immediately thereafter "meetings that must be noticed in accordance with section 44-04-20"

Page 1, after line 14, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2009 HOUSE POLITICAL SUBDIVISIONS

SB 2359

2009 HOUSE STANDING COMMITTEE MINUTES

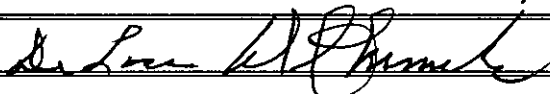
Bill No. SB 2359

House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 13, 2009

Recorder Job Number: 10911

Committee Clerk Signature 

Minutes:

Chairman Wrangham opened the hearing on SB 2359.

Senator Cook: Please bring your minds back in time to the 1877 and you are setting in these seats and the issue before you is when county commissioners should hold their meetings.

You have to give consideration to the time it takes to notify people in the county back in that era. You also had to give consideration to the time to travel to a county commission meeting if they wanted to attend and try to come up with the language that you want in this original statute that we are amending. I believe this is one of the oldest statutes yet in the Century Code. We are now in the 21st century and it is time we update this statute and that is all this bill does. I urge you to pass this bill. The original law requires they meet the first week of January, April, July and October. So all we are doing here is bring this statute into the 21 Century so our commissioners might be able to conduct their business in a manner that is suitable for today. I would like to offer some amendments to consider since it was in the Senate I got an email from the county commission member regarding some challenges they were having with the makeup of the county park commission and when they meet so maybe we want to address that issue also somewhere. This would be an appropriate bill if the amendments are drafted.

Rep. Nancy Johnson: Is there other places in the statues that the regular meeting or when they meet?

Senator Cook: I don't believe so. (Handed out proposed amendment #1).

Aaron Birst, Association of Counties: This is an old statue. I was surprised that county commissioners would only require meeting quarterly. Every county right now is meeting monthly. There is no other statue that has a requirement in it. What it does say that in order to get paid the commission has to meet every month to approve the warrant so it is kind of saying you have to be there every month? We have on the bottom it has to comply with the statues. We did look at the amendment and I guess we don't have any objection to it.

Rep. Jerry Kelsh: The language says it has to be the same time every month. It can't be a different date?

Aaron Birst: We kicked this around a little bit. This says maybe there should be some consistency so the citizens know what is generally so. We thought the commission would establish basically a regular meeting date.

Rep. Koppelman: Did anyone every raise this point in law regarding commission meetings monthly? I think if we meet every other month people would notice.

Aaron Birst: I think the most important thing is that the public gets notice.

Rep. Jerry Kelsh: this would in no way then would prohibit the association when they had their academy a couple weeks ago; the counties that had their meetings during that week postponed them. Will this make it more difficult to postpone a meeting for a week with this law? It says it would have to be designated by the commission on a certain date.

Aaron Birst: The way I read that is the commission will go ahead and pass a resolution that says we are going to meet next month or two months down to road we will be meeting. The

intent is not to take away what now exists. If someone wants to word that a little better we certainly am OK with that. That is our intent.

Mary Rae Kelsch: Adjacent General's office: I will tell you how the amendments are suppose to work. There is something about how the county park boards convene and there are a lot of the parts of the law that refer to this and how they conduct their meetings. I took a look at it and talked to the Association of Counties and he said a lot of counties really like the way it works now. What I tried to do is had them open it up so if you are doing it the way you are now it is fine, but if you are a county where it doesn't work and if they wanted to increase the time or decrease it that is fine. We just wanted to add the probability if the county wanted to do it differently they were not violating the law. There are things in the old statute so I did take out some language and just do some updating so it corresponds with our current laws. I

am surprised no county had come back from 11-11-05 because meeting must have been violated all over the place but nobody did that.


Rep. Koppelman: On the first page of the amendment it appears that purpose it to expand the size of the county park board because the law as I read it says two members of the county commission and two citizens and at least two. Is that the only change to make it larger?

Mary Rae Kelsch: Yes apparently the only concern was one county wanted a different number and they wanted to have it larger. It is my understanding that they wanted more citizen involved. I am not married to this and there can be flexibility.

Rep. Koppelman: I don't know how active they are in the counties and so on, but I don't think there is anything in the law that would prohibit citizen involvement or citizen interest or whatever else they wanted to do of citizens to accomplish various tasks, but seems all this

does really is build the size of local government.

Mary Rae Kelsch: No one was beating down our door to do this.

 Opposition: None

Neutral: None

Hearing closed.

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2009 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2359


House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 19, 2009

Recorder Job Number: 11253

Committee Clerk Signature



Minutes:

Chairman Wrangham reopened the hearing on SB 2359. We can discuss the amendment if you wish or we can act on the bill as it is before us.

Rep. Jerry Kelsh: the original bill just made it possible that they can have a meeting at 5:00PM so people could attend. This changes the park board so they only have to have two commissioners on where before the total commission and two other people so it kind of reverses that. Rep. Conrad thought that the commissioners had to be on so many boards sometimes they just have too many.

Rep. Conrad: We have a very difficult time finding people to run for commissioners because of the amount of time required. When I would not run for re-election I found out how much time I was spending 30 hours a week and that was too much. It just becomes in the larger counties it is very busy because you are administering the county. If all five commissioners have to be at that meeting that is just one more meeting?

Chairman Wrangham: So we had the bill to change the date before us to allow them to change the time and date designated.

Rep. Conrad: In Ward County we have to new commissioners who are both from Minot and they have an occupation and I don't think those two people understood that they were also going to be park board commissioners.

Rep. Jerry Kelsh: I know we are not considering the amendments but I am just asking the question about the last page. That is just to cover the parks.

Do Pass Motion Made By Rep. Conrad: Seconded By Rep. Kilichowski:

Chairman Wrangham: We can discuss the amendment if we want. We can leave the motion on the table.

Rep. Headland: What I don't like about the amendment is that apparently the park board is already operating under this and this amendment was brought forward to make how they operate legal. I was under the impression that the amendments should be put in.

Rep. Jerry Kelsh: I think all the amendment does is allow two members of the county commission instead of all county commissioners and in our county we meet at 7:00AM because of conflict with two other members who have to go to work. I would move the amendments.

Rep. Conrad Withdrew her motion; Seconded Motion withdrawn too by Rep. Kilichowski

Rep. Jerry Kelsh Made a Motion to move the amendments; Seconded by Rep. Hatlestad:

Discussion:

Rep. Conrad: Right now county commission are required all commissioners and two citizens on the park board. Different counties have different park systems.

Rep. Koppelman: Does every county have a park board or is some just running without them? If they don't have one then it seems they are already violating the law and we are just having a problem with the current law.

Voice Vote Carried.

Do Pass As Amended Motion Made By Rep. Conrad: Seconded by Rep. Hatlestad:

Vote: 13 Yes 0 No 0 Absent Carrier: Rep. Kilichowski

Hearing closed.

March 19, 2009

VR
3/19/09
1082

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2359

Page 1, line 1, replace "section" with "sections" and after "11-11-05" insert ", 11-28-01, 11-28-02, 11-28-03, and 11-28-04"

Page 1, line 2, after "meetings" insert "and the board of county park commissioners"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 11-28-01 of the North Dakota Century Code is amended and reenacted as follows:

11-28-01. Board of county park commissioners - Appointment by county commissioners - Number. ~~The members of the board of county commissioners and shall establish a five-member to seven-member board of county park commissioners consisting of at least two members of the county commission and at least two resident citizens of the county appointed by the board of county commissioners shall constitute the board of county park commissioners.~~

SECTION 3. AMENDMENT. Section 11-28-02 of the North Dakota Century Code is amended and reenacted as follows:

11-28-02. Eligibility for appointment - Term - Vacancy - Compensation. Any resident citizen of the county, including county, city, and township officers, is eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of three years, or until a successor is appointed and qualified. Any vacancy in the board must be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. Each member of the county park board is entitled to receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and is entitled to reimbursement for actual necessary expenses incurred in the performance of the member's duties. ~~The~~ Unless otherwise agreed upon, the board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only are entitled to compensation for attendance at the concurrent meetings.

SECTION 4. AMENDMENT. Section 11-28-03 of the North Dakota Century Code is amended and reenacted as follows:

11-28-03. County auditor, county treasurer, and state's attorney shall serve board. The county auditor or other official designated by the board shall serve as secretary of the board of county park commissioners and the county treasurer shall serve as treasurer of the board and custodian of all its funds from whatever source received. Such funds shall be placed in a separate fund and shall not be diverted to any other use or purpose. The state's attorney of the county shall act as legal adviser to the board and shall prosecute and defend any and all actions brought by or against said board. Neither the county auditor nor official designee, the county treasurer, nor the state's attorney shall receive any additional compensation for acting in their respective capacities.

SECTION 5. AMENDMENT. Section 11-28-04 of the North Dakota Century Code is amended and reenacted as follows:

202

11-28-04. Organization of board - Quorum - Meetings. Within twenty days after the appointment of the board of county park commissioners, and within twenty days after any change in its personnel, the board shall meet ~~in the courthouse of the county~~ and shall organize by selecting one of its members as chairman. ~~Two-thirds of the members of the board shall constitute a quorum at any meeting thereof.~~ One-half or more of the members constitutes a quorum of the board. The board shall hold such meetings as may be required for the transaction of its business and activities. ~~Meetings shall~~ If the board decides to hold meetings at a time other than the time for regular meetings of the board of county commissioners, the board shall draft a schedule of regular meetings to be held throughout the year. The schedule must be filed with the county auditor and the meetings must be noticed in accordance with section 44-04-20. A special or emergency meeting may be called by the secretary upon the order of the chairman, or upon the written request of the majority of the board with notice provided in accordance with section 44-04-20. Such order or written request shall be entered on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of the meeting. A meeting of the board may be called at any time by the chairman without notice and such meeting shall be legal and valid if attended by all members of the board."

Renumber accordingly

Date: 3-19-09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2359

HOUSE POLITICAL SUBS COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP DNP DP AS AMEND DNP AS AMEND

Motion Made By Rep. Conrad Seconded By Rep. Kilichowski

Representatives	Yes	No	Representatives	Yes	No
Ch. Wrangham			Rep. Conrad		
Vice Chair Rep. Headland			Rep. Kelsh		
Rep. Hatlestad			Rep. Kilichowski		
Rep. N. Johnson			Rep. Mock		
Rep. Klemin			Rep. Zaiser		
Rep. Koppelman					
Rep. Kretschmar					
Rep. Pietsch					

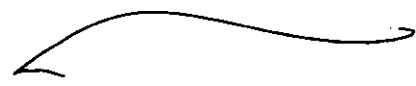
Total (Yes) _____ No _____

Absent _____

Floor Carrier: _____

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

withdrawn



Date: 3-19-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2359

HOUSE POLITICAL SUBS COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP DNP DP AS AMEND DNP AS AMEND

Motion Made By Rep. Kelsh Seconded By Rep. Headland

Representatives	Yes	No	Representatives	Yes	No
Ch. Wrangham			Rep. Conrad		
Vice Chair Rep. Headland			Rep. Kelsh		
Rep. Hatlestad			Rep. Kilichowski		
Rep. N. Johnson			Rep. Mock		
Rep. Klemin			Rep. Zaiser		
Rep. Koppelman					
Rep. Kretschmar					
Rep. Pietsch					

Total (Yes) _____ No _____

Absent _____

Floor Carrier: _____

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

*voice
vote
carried*

Date: 3-19-09
Roll Call Vote #: 9

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2359

HOUSE POLITICAL SUBS COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP DNP DP AS AMEND DNP AS AMEND

Motion Made By _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Ch. Wrangham	✓		Rep. Conrad	✓	
Vice Chair Rep. Headland	✓		Rep. Kelsh	✓	
Rep. Hatlestad	✓		Rep. Kilichowski	✓	
Rep. N. Johnson	✓		Rep. Mock	✓	
Rep. Klemin	✓		Rep. Zaiser	✓	
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Pietsch	✓				

Total (Yes) 13 No 0

Absent 0

Floor Carrier: Rep. Kilichowski

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

REPORT OF STANDING COMMITTEE

SB 2359, as engrossed: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2359 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "11-11-05" insert ", 11-28-01, 11-28-02, 11-28-03, and 11-28-04"

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SECTION 4. AMENDMENT. Section 11-28-03 of the North Dakota Century Code is amended and reenacted as follows:

11-28-03. County auditor, county treasurer, and state's attorney shall serve board. The county auditor or other official designated by the board shall serve as secretary of the board of county park commissioners and the county treasurer shall serve as treasurer of the board and custodian of all its funds from whatever source received. Such funds shall be placed in a separate fund and shall not be diverted to any other use or purpose. The state's attorney of the county shall act as legal adviser to the board and shall prosecute and defend any and all actions brought by or against said board. Neither the county auditor nor official designee, the county treasurer, nor the state's attorney shall receive any additional compensation for acting in their respective capacities.

SECTION 5. AMENDMENT. Section 11-28-04 of the North Dakota Century Code is amended and reenacted as follows:

11-28-04. Organization of board - Quorum - Meetings. Within twenty days after the appointment of the board of county park commissioners, and within twenty days after any change in its personnel, the board shall meet ~~in the courthouse of the county~~ and shall organize by selecting one of its members as chairman. ~~Two-thirds of the members of the board shall constitute a quorum at any meeting thereof.~~ One-half or more of the members constitutes a quorum of the board. The board shall hold such meetings as may be required for the transaction of its business and activities. ~~Meetings shall~~ If the board decides to hold meetings at a time other than the time for regular meetings of the board of county commissioners, the board shall draft a schedule of regular meetings to be held throughout the year. The schedule must be filed with the county auditor and the meetings must be noticed in accordance with section 44-04-20. A special or emergency meeting may be called by the secretary upon the order of the chairman, or upon the written request of the majority of the board with notice provided in accordance with section 44-04-20. Such order or written request shall be entered on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of the meeting. A meeting of the board may be called at any time by the chairman without notice and such meeting shall be legal and valid if attended by all members of the board."

Renumber accordingly

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

SB 2359

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2359

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 04/16/09

Recorder Job Number: 11913

Committee Clerk Signature

Kate Olive

Minutes:

Chairman Oehlke called the meeting to order, roll was taken, and all members were present.

Senator Cook: After this bill passed the Senate I got an email talking about the challenges that the boards face. Not have to meet in the courthouse, have all meetings televised, the also had request dealing with the county park board as it related to the number of people on the board. Mary Kay Kelsch drafted the amendments and I see that they are put on. I am comfortable with them, the only question that we have is regarding compensation of county commissioners and I think that we should be clear for the record starting on line 14 of page 2 going to line 17, I hope it is clear that it does not apply to the compensation; I think that is the intent of it and have it be reflected in the report.

Representative Kretschmar: On line 16 on page 2, is that the chairman of the county commission or of the park board?

Senator Cook: I would say that it is the chairman of the park commission, but again I didn't draft them, Mary Kay Kelsch did.

Representative Kretschmar: Should it be made a little more explicit?

Senator Nelson: Board of County Park Commissioners, why didn't we just concur?

Senator Cook: My guess is that Senator Dever had this and I think that it was just an oversight.

Representative Kilichowski: Unless otherwise agreed upon, in our county there is a \$35 fee for portfolio, you are saying that you don't want it to happen

Senator Cook: My understanding is, most county commissioners get a monthly fee.

Representative Kilichowski: We do but, I know that the portfolio I had when I was a comm., if anyone else was compensated for that meeting, if one was comp then everyone was comp.

Senator Oehlke: Are we talking county commission or park commission?

Representative Kilichowski: we never got compensation for county park commission because the entire county commission was on it.

Senator Cook: I thought there was language in there that said what the appointed members were to be paid. Line 10 that is current law.

Representative Kilichowski: Unless otherwise agreed upon is unnecessary.

Representative N. Johnson: On line 17, is a concurrent meeting different than a regular meeting?

Senator Oehlke: Meeting at the same time and place as the county commission are meeting
Senator Nelson made a motion for the Senate to accede to the House Amendments with a second by Representative Kilichowski. A vote was taken and the motion passed 6-0 with Senator Nelson carrying the bill to the floor.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 2359 (, as (re)engrossed):

Date: 4-16-09

Your Conference Committee Govt + Vets Affairs

For the Senate:

For the House:

	YES / NO			YES / NO	
Sen DeBlake	X		Rep Kretschmar	X	
Sen Cook	X		Rep N. Johnson	X	
Sen Nelson	X		Rep Kilichowski	X	

recommends that the (SENATE/HOUSE) (ACCEDE) to (RECEDE) from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ - _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

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

DATE: 4-16-09

CARRIER: Nelson

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Nelson

SECONDED BY: Kilichowski

VOTE COUNT 6 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2359, as engrossed: Your conference committee (Sens. Oehlke, Cook, Nelson and Reps. Kretschmar, N. Johnson, Kilichowski) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 952-953 and place SB 2359 on the Seventh order.

Engrossed SB 2359 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

SB 2359

COMMISSIONERS:

JAMES BOEHM, Chairman
Mandan, ND

MAR... Vice Chairman
Mand...

BRI...NDEN
Me...

DICK...RCH
Mandan, ND

ANDY ZACHMEIER
Mandan, ND

MORTON COUNTY

STATE OF NORTH DAKOTA

210 2nd AVENUE NW
MANDAN, NORTH DAKOTA 58554

PAUL E. TRAUGER, County Auditor



On December 2, 2008, the Morton County Commission voted unanimously to initiate a change which would move the regular monthly meeting date from the first Tuesday of each month to the second Tuesday. Current language in the Century Code does not offer County Commissions the flexibility to make such a change. Thus, Senate bill 2359 was introduced at the request of the Morton County Commission.

This change to section 11-11-05 of the Century Code is requested for the following reasons:

- 1.) Conducting meetings in the first week of the month often does not allow ample time for receipt and verification of all bills by the Auditor's office for final approval by the Commissioners. Local vendors have complained about sometimes having to wait 45 or more days for payment. Meetings held on the second Tuesday of each month will alleviate this problem.
- 2.) The Morton County Commission has been encouraged by citizens to televise meetings. In order to consider that option, it will be necessary to move our meetings to the second Tuesday of each month to avoid conflict with schedules of the City of Mandan, the Mandan Park Board, and Mandan School Board, all of whom have entered into agreements providing for the telecast of their meetings.
- 3.) Meeting on the first Tuesday of the month conflicts with Mandan City Commission meetings. Since there are frequently joint concerns, commissioners of both elected bodies sometimes find it necessary to attend a meeting of the other. By meeting on the second Tuesday of each month, this conflict is eliminated.

The Morton County Commissioners respectfully request that Senate bill 2359 be amended to include the Emergency clause, and that it be sent to the floor of the Senate with a unanimous Do Pass recommendation.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 2359

Page 1, line 7, overstrike "sessions" and insert immediately thereafter "regular meetings"

Page 1, line 7, overstrike "the courthouse, or at the usual"

Page 1, line 8, overstrike "place of holding court," and insert immediately thereafter "a time and place to be designated by the commission"

Page 1, line 8, remove "on a consistent day of the week" and insert immediately thereafter "at least once a month on a date certain established by resolution or ordinance of the commission"

Page 1, line 8, overstrike "in"

Page 1, line 8, remove "~~the first week of~~"

Page 1, line 8, overstrike "January, April, July,"

Page 1, line 9, overstrike "and October of each year, and may adjourn such meetings from time to time"

Page 1, line 10, overstrike "sessions" and insert immediately thereafter "meetings"

Page 1, line 11, overstrike "sessions" and insert immediately thereafter "meetings that shall be noticed in accordance with N.D.C.C. § 44-04-20"

Page 1, remove lines 12 through 14

Renumber accordingly

It will read:

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission at least once a month on a date certain established by resolution or ordinance of the county. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that shall be noticed in accordance with N.D.C.C. § 44-04-20.

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PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2359

Page 1, line 1, replace "section" with "sections" and after "11-11-05" insert ", 11-28-01, 11-28-02, 11-28-03, 11-28-04"

Page 1, line 2, after "meetings" insert "and the board of county park commissioners"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 11-28-01 of the North Dakota Century Code is amended and reenacted as follows:

11-28-01. Board of county park commissioners – Appointment by county commissioners – Number. ~~The members of the board of county commissioners and shall establish a five to seven member board of county park commissioners consisting of at least two members of the county commission and at least two resident citizens of the county appointed by the board of county commissioners shall constitute the board of county park commissioners.~~

SECTION 3. AMENDMENT. Section 11-28-02 of the North Dakota Century Code is amended and reenacted as follows:

11-28-02. Eligibility for appointment - Term - Vacancy - Compensation. Any resident citizen of the county, including county, city, and township officers, is eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of three years, or until a successor is appointed and qualified. Any vacancy in the board must be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. Each member of the county park board is entitled to receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and is entitled to reimbursement for actual necessary expenses incurred in the performance of the member's duties. The Unless otherwise agreed upon, the board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only are entitled to compensation for attendance at the concurrent meetings.

SECTION 4. AMENDMENT. Section 11-28-03 of the North Dakota Century Code is amended and reenacted as follows:

11-28-03. County auditor, county treasurer, and state's attorney shall serve board. The county auditor or other official designated by the board shall serve as secretary of the board of county park commissioners and the county

treasurer shall serve as treasurer of the board and custodian of all its funds from whatever source received. Such funds shall be placed in a separate fund and shall not be diverted to any other use or purpose. The state's attorney of the county shall act as legal adviser to the board and shall prosecute and defend any and all actions brought by or against said board. Neither the county auditor nor official designee, the county treasurer, nor the state's attorney shall receive any additional compensation for acting in their respective capacities.

SECTION 5. AMENDMENT. Section 11-28-04 of the North Dakota Century Code is amended and reenacted as follows:

11-28-04. Organization of board - Quorum - Meetings. Within twenty days after the appointment of the board of county park commissioners, and within twenty days after any change in its personnel, the board shall meet ~~in the courthouse of the county~~ and shall organize by selecting one of its members as chairman. ~~Two-thirds of the members of the board shall constitute a quorum at any meeting thereof~~ One-half or more of the members constitutes a quorum of the board. The board shall hold such meetings as may be required for the transaction of its business and activities. ~~Meetings shall~~ If the board decides to hold meetings at a time other than the time for regular meetings of the board of county commissioners, the board shall draft a schedule of regular meetings to be held throughout the year. The schedule must be filed with the county auditor and the meetings must be noticed in accordance with section 44-04-20. A special or emergency meeting may be called by the secretary upon the order of the chairman, or upon the written request of the majority of the board. ~~Such order or written request shall be entered on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of the meeting. A meeting of the board may be called at any time by the chairman without notice and such meeting shall be legal and valid if attended by all members of the board~~ with notice provided in accordance with section 44-04-20."

Renumber accordingly