

2019 SENATE POLITICAL SUBDIVISIONS COMMITTEE

SB 2189

2019 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

SB 2189
1/18/2019
Job Number 31027

- Subcommittee
 Conference Committee

Committee Clerk: Mary Jo Wocken

Explanation or reason for introduction of bill/resolution:

Relating to the meeting of the board of equalization of a city.

Minutes:

Written attachment #1. Amendment from Sr. Cook
Written attachment #2 Stephanie Dassinger
Written attachment #3 Jim Neubauer

Chairman Burckhard opened the hearing on SB2189. All the senators are present.

Sen. Dwight Cook District 34 Mandan introduced SB 2189. Sen. Cook spoke in favor of SB2189, on behalf of the ND League of Cities. Sen. Cook brought in an amendment with the changes.19.0924.01001 Written attachment #1.

Chairman Burckhard: You are putting Section 2 back in? **Sen. Cook:** Yes.

Chairman Burckhard: Within the first 15 days.

Sen. Kanninen: Then adding in the townships in here too, I was going to ask about that, so yes that makes sense to me. **Sen. Cook:** Townships are in there also, same change.

Ms. Stephanie Dassinger: Deputy Director and attorney for the North Dakota League of Cities. (3:44-5:11) Written testimony #2.

Mr. Jim Neubauer: City Administrator for the city of Mandan. (5:40-6:51). Written attachment #3. We asked the League of Cities to submit this bill and they tracked down Sr. Cook to do it for us. The City of Mandan meets on the 1st and 3rd Tuesdays of every month, the Century Code has currently in place that says you have to meet on the 2nd Monday I believe which causes us some to meet three weeks in a row. It makes it easier for the public when we do our public notices that say let's do it within the first 15 days so we'd either meet on the first Tuesday and get these things taken care of. It is pretty much a housekeeping bill. We are in support of it.

Sen. Judy Lee: Unless my ears were not working right, I thought that Ms. Dassinger said that in the last sentence or so, something about 30 days, and the bill is 15. For the person who is assessing 23 subdivisions, is 15 days adequate if we might ask her to return and answer that question.

Ms. Stephanie Dassinger: North Dakota League of Cities. I apologize that I didn't make that very clear. The amendment adds back in the language that is currently in law that gives until the end of April for those Board of Equalization meetings. So the amendment that Sr. Cook offered basically takes and un-strikes the language in Section 2, of the bill.

Sen. J. Lee: Replied she sees didn't have the amendment in front of her.

Chairman Burckhard asked for opposition and neutral testimony for SB2189. No one came forward.

Chairman Burckhard closed the hearing on SB2189.

Committee Discussion

Sen. Judy Lee: I move a do pass on the amendment 19.0924.01001

2nd Sen. Kannianen

Sen. Dotzenrod: I thought it was an interesting change the way they did the drafting of the amendment. The bill originally took off and removed that paragraph from the bottom half of 15:11.01 so I would've thought with a normal process would be to take that overstrike off and modify it and leave it where it was at. They didn't do that, they took that thing and moved it to little bit different section. Now it's no longer in 57:11.01 its now in 57:09.1 membership of the board so it's probably easier to read. Its probably an improvement because they've got it now as part of this membership of the board meeting a section that is in existing law. So I think by amending it the way they did, they probably made the law a little easier to read.

Roll call vote: 6 Yea, 0 No, 0 Absent

Chairman Burckhard: Motion passes.

Sen. Judy Lee move the amended bill a do pass

2nd Sen. Diane Larson

Roll call vote: 6 Yea, 0 No, 0 Absent

Carrier: Senator Burckhard

January 16, 2019

SL
1001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2189

Page 1, line 1, after "57-02-51" insert ", 57-09-01,"

Page 1, line 2, after the third "of" insert "a township and"

Page 1, line 16, after "township" insert "and a city"

Page 1, line 17, overstrike "on the second Monday in April and in a city"

Page 1, after line 18, insert:

"SECTION 2. AMENDMENT. Section 57-09-01 of the North Dakota Century Code is amended and reenacted as follows:

57-09-01. Membership of board - Meeting.

1. The township board of equalization consists of the members of the board of supervisors of each township, and the township clerk shall act as clerk of said board. The board shall meet ~~on the second Monday in~~ within the first fifteen days of April in each year at the usual place of meeting of the township board of supervisors.
2. ~~Notwithstanding the provisions of subsection 1, if~~ If the same person performs the duties of assessor for two or more townships or cities, the township clerk may, after consultation with the assessor involved, designate the hour and day in the month of April at which the meeting provided for in subsection 1 must be held for each township board of equalization; provided, that notice of the hour and day must be published in the official newspaper of the political subdivisions involved and posted at the usual place of meeting by the township clerk at least ten days before the meeting."

Page 1, line 22, remove the overstrike over "4."

Page 2, line 6, remove the overstrike over "2."

Page 2, line 6, after "if" insert "If"

Page 2, line 6, remove the overstrike over "~~the same person performs the duties~~"

Page 2, remove the overstrike over lines 7 through 12

Renumber accordingly

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO.**

Senate Political Subdivisions Committee
 Subcommittee

Amendment LC# or Description: 19.0924.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider

Motion Made By Sen. J. Lee Seconded By Sen. Diane Larson

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	X		Sen. Jim Dotzenrod	X	
Vice chair Howard Anderson	X				
Sen. Diane Larson	X				
Sen. Judy Lee	X				
Sen. Jordan Kannianen	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Burkhard

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

REPORT OF STANDING COMMITTEE

SB 2189: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2189 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-02-51" insert ", 57-09-01,"

Page 1, line 2, after the third "of" insert "a township and"

Page 1, line 16, after "township" insert "and a city"

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Renumber accordingly

2019 HOUSE POLITICAL SUBDIVISIONS

SB 2189

2019 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Prairie Room, State Capitol

SB 2189
2/28/2019
Job #32997

- Subcommittee
 Conference Committee

Committee Clerk Signature	Carmen Hickle
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Explanation or reason for introduction of bill/resolution:

Relating to the meeting of the board of equalization of a township and a city

Minutes:

1,2,3

Chairman J. Dockter: Opens SB 2189 for committee work.

Sen. Cook: Introduced the bill on behalf of the League of Cities. The bill is for when the city and townships are required to have their equalization meetings. This changes it from the second Monday and second Tuesday in April to sometime to the first 15 days of April.

Rep. Ertelt: Do you know the reasoning behind the separate days as the statute currently reads?

Sen. Cook: I would anticipate because an assessor that does both the city and the township.

Stephanie Dassinger: North Dakota league of Cities. (Handout #1,2)

Chairman J. Dockter: Did you have a survey or ask your members if they were okay with this? Did anyone have any objections to this change in law?

Ms. Dassinger: It was brought to us by the city of Mandan. We reached out to a group of assessors and they are very supportive of this change.

Rep. Ertelt: Was there any consultation with Township Officers or Association of Counties and how it might impact them as well?

Ms. Dassinger: Currently they are held on the same day. This would give flexibility for the first 15 days. The township association and the counties are supportive because of the flexibility that provides the assessors. There is a small group of people that do the assessing so some flexibility would be helpful.

Rep. Ertelt: You stated they are on the same day but the language is being struck is that the township is on the second Monday in April and the city on the second Tuesday. Between the two classes they are on the different days.

Ms. Dassinger: I have not heard any concerns about that change because they would have the flexibility to hold it whatever works for those political subdivisions.

Kimberly Markley: City Assessor for Mandan. (Handout #3). This would offer the flexibility for the assessors that do more than one jurisdiction.

Linda Svihovec: Association of Counties. We are in favor with this bill. We have a number of assessors and tax directors that have contacts with multiple jurisdictions and to try and get to all the meetings on the same day is a challenge.

Larry Severson: North Dakota Township Officers Association: We are in favor as this gives us the flexibility for Township Assessors that serve multiple townships.

Chairman J. Dockter: Closed the hearing on SB 2189.

Rep. Hatlestad: Made a motion for do pass.

Rep K. Koppelman: Second the motion.

Rep. Ertelt: My hesitation is having each political subdivision at this same time frame is not just for the assessors but for the public. If these are held on the same day with multiple meetings so the public would have access.

Rep. Adams: The first paragraph talks about notifying what day it is.

Rep. Fegley: Our county has 18 or 19 townships they assess, that is why they need the 15 days. This law is actually being done already.

Chairman J. Dockter: Last session we passed a bill for requirements for assessors so that is probably why we have this bill because of consolidation with the amount of assessors.

Rep. Toman: I can see Rep. Ertelt's concern where the property owner might have property in two different jurisdictions and would not be able to get to both meetings to protest. I would expect the board would be flexible. The taxpayer might need to decide what they want to go to if they are held at the same time.

Rep. Ertelt: The notification stays the same it's just not being able to be in two places at the same time.

Vote Yes 14, no 0, absent 0.

Rep. Adams: Will carry the bill.

Date: 2-28-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2189

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Hatlestad Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:	/				
Vice Chairman Pyle:	/				
Rep. Ertelt:	/				
Rep. Fegley:	/				
Rep. Hatlestad:	/				
Rep. Johnson:	/				
Rep K. Koppelman:	/				
Rep. Longmuir:	/				
Rep. Magrum:	/				
Rep. Simons:	/				
Rep. Toman:	/				
Rep. Strinden:	/				
Rep. Adams:	/				
Rep. Guggisberg:	/				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Adams

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

REPORT OF STANDING COMMITTEE

SB 2189, as engrossed: Political Subdivisions Committee (Rep. Dockter, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2189 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2189

SB 2189
1-18-2019
#1

19.0924.01001
Title.

Prepared by the Legislative Council staff for
Senator Cook

January 16, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2189

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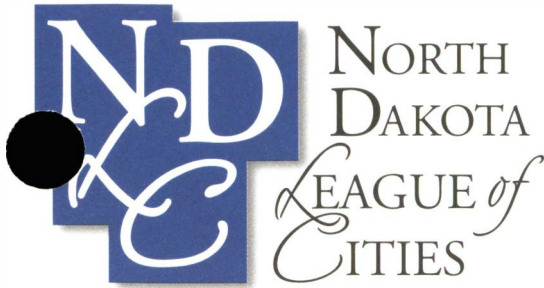
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Renumber accordingly

LB2189
1.18.2019
att #2



January 17, 2019

Senate Political Subdivisions Committee

SB 2189

Chairman Burckhard and members of the committee, my name is Stephanie Dassinger and I am the deputy director and attorney for the North Dakota League of Cities. I appear before you today to express the League's support for SB 2189 with the amendments that have been offered.

Section 2 of the bill addresses city board of equalization meetings. Currently, the law requires the city board of equalization meeting to occur on the second Tuesday in April. Generally, city commissions or city councils meet during the first or second week of each month. The day of the week that the meeting occurs also varies by each city. SB 2189 adds more flexibility to when a city can have its board of equalization meeting. Under this bill, a city can have the meeting within the first 15 days of April. This allows a city, that does not normally meet on the second Tuesday in April to set its board of equalization meeting at the same time as its regular meeting. This will help to be mindful of city governing board member's times with meeting to tend to city business.

The amendment restores subsection 2 of section 57-11-01. That section allows a city to hold its board of equalization meeting anytime in April if the city assessor serves two or more cities. Several small cities often share an assessor and that flexibility is necessary to allow for the time for all the meetings to occur.

As such, we respectfully request the amendment to be adopted and for a DO PASS recommendation on SB 2189.



"WHERE THE WEST BEGINS"

CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554

701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

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PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

Senate Political Subdivisions Committee

January 18, 2019

SB 2189

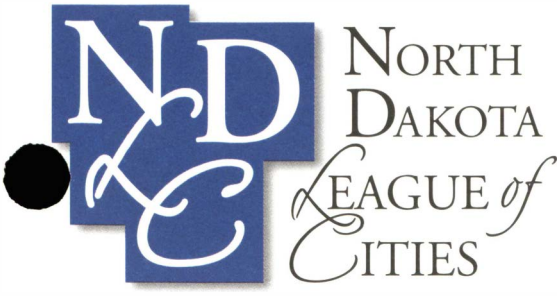
Chairman Burckhard and members of the Senate Political Subdivisions Committee, my name is Jim Neubauer, City Administrator for Mandan. I am here today in support of SB 2189.

Currently the North Dakota Century Code requires a city board of equalization to meet on the second Tuesday in April. Generally City Commissions meet twice a month, either the first and third week, or the second and fourth week of a month.

Amending the language allows cities flexibility in scheduling the board of equalization meeting with the first fifteen days of April. This would fall in line with the language of the county board of equalization that is within first ten days in June.

I urge a do pass on Senate Bill 2189.

Thank you for your time and should you have any questions I will do my best to answer them.



February 28, 2019

House Political Subdivisions Committee

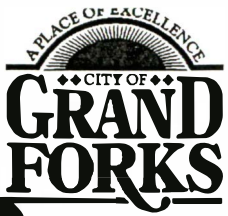
SB 2189

Chairman Dockter and members of the committee, my name is Stephanie Dassinger and I am the deputy director and attorney for the North Dakota League of Cities. I appear before you today to express the League's support for SB 2189.

Section 3 of the bill addresses city board of equalization meetings. Currently, the law requires the city board of equalization meeting to occur on the second Tuesday in April or, if the same person performs the duties of assessor for two or more townships or cities, the board of equalization meeting can be held anytime in April.

SB 2189 would add flexibility to allow a city to hold the board of equalization meeting any time within the first 15 days in April. This allows a city, that does not normally meet on the second Tuesday in April, to hold its board of equalization meeting in conjunction with a regularly scheduled city council or city commission meeting.

As such, we respectfully request a DO PASS recommendation on SB 2189.



#2

Michael R. Brown
Mayor

City of Grand Forks

255 North Fourth Street • P.O. Box 5200 • Grand Forks, ND 58206-5200

(701) 746-2607
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TESTIMONY ON SENATE BILL 2189

House Political Subdivisions Committee

February 28, 2019

Paul Houdek, City Assessor

City of Grand Forks, ND

Mr. Chairman and members of the committee, my name is Paul Houdek, and I am the City Assessor for the City of Grand Forks. I want to thank you for the opportunity to provide testimony and express my support for this bill.

I am contacting you today in support of Senate Bill 2189. Current law leaves no flexibility in planning and scheduling our Annual City Board of Equalization meeting and requires that this meeting MUST be held on the 2nd Tuesday in April. As you know, the City Board of Equalization is made up of the City governing body. Currently our City Council meets every Monday night at 5:30, either as a Committee of the Whole or as a City Council. By mandating the City Board of Equalization meets on the 2nd Tuesday in April, this existing law forces our governing body to meet one more evening in April that otherwise would not be necessary. This makes it more difficult for elected officials to attend these annual meetings and makes establishing a quorum a challenge.

Allowing the City to hold the annual Board of Equalization meeting within the first 15 days in April would make it easier for us to plan this annual meeting around our existing meeting schedule and would make it much easier to get a quorum. This change would be consistent with the meeting requirements that are already in place for the County Board of Equalization in June.

The City of Grand Forks Legislative Committee and the Grand Forks City Assessor support this bill. I would respectfully ask for your support of this bill as well.



CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554
701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

CITY DEPARTMENTS

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POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

House Political Subdivisions Committee

February 28, 2019

SB 2189

Chairman Dockter and members of the House Political Subdivisions Committee, my name is Kimberly Markley, City Assessor for Mandan. I am here today in support of SB 2189.

Currently the North Dakota Century Code requires a city board of equalization to meet on the second Tuesday in April. Generally City Commissions meet twice a month, either the first and third week, or the second and fourth week of a month

Amending the language allows cities the flexibility in scheduling the meeting within the first fifteen days of April and is more consistent with the scheduling of the County Board (within 1st 10 days in June).

I urge a do pass on House Bill 1066.

Thank you for your time and should you have any questions I will do my best to answer them.