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Deanna D. Smith
Operator's Signature

10/21/03
Date

2003 SENATE POLITICAL SUBDIVISIONS

SB 2243

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10/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2243

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date: **January 30, 2003**

Tape Number	Side A	Side B	Meter #
1	X		3945 - End
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

CHAIRMAN COOK opened the hearing on SB 2243. All Senators (6) in attendance.

SB 2243 relates to the board of directors of a rural fire protection district.

Testimony in Support of SB 2243

Duane Kershaw, Chairman of Board Directors, Sterling Rural Fire Protection District, spoke in favor of SB 2243. (See attached testimony)

Leon Samuel, New Salem Fire Protection District introduced an amendment to the bill. (See attached testimony and amendment)

SENATOR COOK, asked if this was similar to bill last session. Is is identical? The township people had some concern over what that bill was trying to do. He ask Mr Samuel if he addressed the amendments with them.

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Page 2
Senate Political Subdivisions Committee
Bill/Resolution Number **SB 2243**
Hearing Date: **January 30, 2003**

Leon Samuel answered that they did. The bill that was introduced last year said that they had to own land within the township and there was no mention as to where they had to live. In this bill we are saying that they still have to live within that fire district.

SENATOR O'CONNELL, District 6, introduced the bill. This bill would simply allow fire district boards up to two directors from one township. Under current law right now any district that has more than seven townships may elect as few as seven members but there can be no more than one member from any given township. SB 2243 would allow up to two rural fire district board members to come from one township if the district represents more than some townships.

Joel Boesplug, North Dakota Fire Chiefs Association, spoke in support of the bill and the amendments, simply for promoting interest in the fire district and in the fire service leadership. They have seen some cases where it is very difficult to get persons involved on the board and persons who really have that strong desire are sometimes excluded. They see this bill as a positive move for the fire service.

Ray Lambert, State Fire Marshal, spoke in support of SB 2243 with the amendments. They see first hand on a day to day basis the difficulty in getting good quality board members in these rural fire protection districts. The numbers have decreased in population. He sees no concern with adding a second member from a particular township.

No testimony in opposition of SB 2243.

CHAIRMAN COOK closed the hearing on SB 2243.

SENATOR JUDY LEE she would feel more comfortable if she could ask some one from the township association about the amendment.

CHAIRMAN COOK set SB 2243 aside until time to visit with township people.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2243

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date: **January 30, 2003 (Discussion and Action)**

Tape Number	Side A	Side B	Meter #
1		X	2788 - 3410
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

CHAIRMAN COOK opened the discussion on SB 2243. All senators (6) in attendance.

SENATOR SYVERSON had an opportunity to have a discussion with the treasurer of the Township Officers of North Dakota. He read the amendment as purposed and had no objections to the amendment.

SENATOR SYVERSON moved ADOPTION OF THE AMENDMENT as presented

SENATOR JUDY LEE seconded the motion

Roll Call Vote 6 Yes 0 No 0 Absent

SENATOR SYVERSON moved a **DO PASS** on SB 2243

SENATOR POLOVITZ seconded the motion

Roll Call Vote: 6 Yes 0 No 0 Absent

Carrier: **SENATOR GARY LEE**

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10/21/03
Date

30602.0101
Title.0200

Adopted by the Political Subdivisions
Committee
January 30, 2003

JS
1-31-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2243

Page 1, line 13, overstrike "reside in and" and after "township" insert "by having an interest in real or personal property assessed for taxation in the township the director is representing."

Renumber accordingly

Page No. 1

30602.0101

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10/21/03
Date

Date: 1-30-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2243 Amendment

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30602.0101

Action Taken Adopt Amendment

Motion Made By Senator Syverson Seconded By Senator Lee

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent

Floor Assignment

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

Unrecorded

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Operator's Signature Deanna Wallerth

Date 10/21/03

Date: 1-30-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2243

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30602, 0101

Action Taken Do Pass as Amended

Motion Made By Senator Syverson Seconded By Senator Polovitz

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Senator Gary Lee

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

William R. ...

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10/21/03
Date

REPORT OF STANDING COMMITTEE (410)
February 4, 2003 9:11 a.m.

Module No: SR-21-1584
Carrier: G. Lee
Insert LC: 30602.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2243: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "reside in and" and after "township" insert "by having an interest in real or personal property assessed for taxation in the township the director is representing."

Renumber accordingly

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10/21/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

SB 2243

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Deanna D. Smith
Operator's Signature

10/21/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2243

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date: February 28, 2003

Tape Number	Side A	Side B	Meter #
1	X		18.1-33.8
Committee Clerk Signature		Mickie Schmidt	3-21-03

Minutes:

TAPE 1: SIDE A:

(18.1) CHAIRMAN GLEN FROSETH: We will open the hearing on SB 2243.

(19.3) SEN. DAVE O'CONNELL: (Testimony in support) This bill was introduced on behalf of some of the townships east of us. What this bill does is change the code so that no more than two members from only one township. The problem is there's not enough people out there who are willing to serve on these rural fire district boards, so we changed the code so that two people from one township may serve in these cases where there's no one out there to serve.

(20.2) CHAIRMAN GLEN FROSETH: The new language in lines 13 & 14 will allow them not to be a resident in the township. It says reside in.

(21.0) LEON SAMUEL, FIRE PROTECTION DISTRICT: (Testimony in support) (See attachment #1)

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Deanna D. Smith

Date

10/21/03

Page 2
House Political Subdivisions Committee
Bill/Resolution Number SB 2243
Hearing Date: February 28, 2003

(23.1) REP. MARY EKSTROM: In a situation where you have multiple townships, is it possible that someone who is in township A, talk to township B, serve on both boards?

(23.3) LEON SAMUEL: My understanding is basically in New Salem. We'd like to see someone from each township to be on the board. Next month we're having our membership meeting again and there's going to be six board members that will be up for renewal. The problem is as the farmers retire they move into town. They would like to stay on the board and still live within the city. He owns land out there yet but according to the statute the way it is, he's not supposed to be serving on the board and that's where the situation comes from.

(24.3) REP. GIL HERBEL: What are the duties of the person that deals with the Fire District?

(24.4) LEON SAMUEL: Just like any board member, their biggest duty is the budget. We're in a taxing district, we have property tax dollars that come back, insurance fund dollars that come back, and they're there to oversee those funds are spent properly.

(24.9) REP. DALE SEVERSON: I live and reside in Bridge County and have a home in Cooperstown, but yet I have lake property in Barnes County. Fire protection is an issue for me. Could I in fact become a board member of that rural fire district in Barnes County if I reside outside the county?

(25.4) LEON SAMUEL: On the bill it says in line 7: (goes on to read it) You would still have to reside within the boundaries in the district to be a member. You wouldn't have to live within that township, but you would have to live within the boundaries of the district.

(26.3) REP. ALON WIELAND: Do you have a state organization or state association? Are they supportive with this bill?

(26.5) LEON SAMUEL: I believe they are. Some are here to testify.

Page 3

House Political Subdivisions Committee

Bill/Resolution Number SB 2243

Hearing Date: February 28, 2003

(26.7) REP. ALON WIELAND: I guess what I'm getting at is West Fargo has a volunteer fire department and if they are paid, do they receive some income or taxes from there as well as the volunteer dollars? Would a district of that type be affected by this legislation which have like 17,000 people within the city limits and they do some rural as well?

(27.5) LEON SAMUEL: A fire district is made up of from 1 to 20 townships. In the city of Mandan, they have their own fire district and a rural fire district around the city of Mandan. So I'm assuming that all of the people that are on the fire district of Mandan are from the city of Mandan.

(28.1) REP. ALON WIELAND: West Fargo does do some rural as well. They do have some townships around. Am I to understand that if they had a five person district that they would be required to have one person from the city and the other four, they had four more townships involved that they would have to have one from each township.

(28.6) LEON SAMUEL: The original bill, as in code right now says, if you have five townships, yes you need to have one from every township. All we're saying is, you might have a township where no one is living, so if you own land then you would have the ability to serve on the district. This is the only change.

(30.3) LOUIS HEATON: REP. BOARD OF DIRECTORS RURAL FIRE PROTECTION DISTRICT: (Testimony in support) (See attachment #2)

(31.6) JOEL BASBURG: REP. ND FIRE CHIEFS ASSOCIATION: (Testimony in support)
We are in support for the purpose of promoting leadership in the fire district boards and getting more involved.

Page 4

House Political Subdivisions Committee

Bill/Resolution Number SB 2243

Hearing Date: February 28, 2003

(32.0) CHAIRMAN GLEN FROSETH: Testimony in support? Opposition? Seeing none, I

will close the hearing on SB 2243.

(32.3) REP. ANDREW MARAGOS: I MOVE A DO PASS.

(32.4) REP. BRUCE ECKRE: I SECOND IT.

(32.5) CHAIRMAN GLEN FROSETH: Any further discussion? Seeing none, I will have the

clerk take the Roll Call Vote: 12-y; 0-n; 2-absent; Carrier: Rep. Wieland. (33.8)

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12/21/03
Date

Date: 2-28-03

Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2243

House "POLITICAL SUBDIVISION" Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken More A DO PASS

Motion Made By _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz	0				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	✓				
Alon Wieland	✓				
Bruce Eckre	✓				
Mary Ekstrom	✓				
Carol A. Niemeler	✓				
Sally M. Sandvig	✓				
Vonnie Pietsch	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Wieland

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

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Deanna Hall Smith

Date

10/21/03

REPORT OF STANDING COMMITTEE (410)
February 28, 2003 11:31 a.m.

Module No: HR-36-3649
Carrier: Wieland
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2243, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed SB 2243 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HN-36-3649

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Date

2003 TESTIMONY

SB 2243

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10/21/03
Date

SB 2243
Duane Kershaw, Board Chairman
Sterling Rural Fire Protection District

January 30, 2003

Chairman Cook
Ladies and Gentlemen of the Committee

I am here to speak on behalf of Senate Bill 2243.

I am Duane Kershaw, Chairman of the Board of Directors for the Sterling Rural Fire Protection District. Our District encompasses 11 townships and 4 small communities. Our board is made up of seven directors.

As the law stands now, no more than one director can be elected from any one township. This has posed a problem in the past and is currently creating difficulties. As the rural population decreases, we are finding fewer people in each township that are capable of and have the desire to participate in the Fire District.

The change that has been proposed in the law will give us a little more leeway when choosing board members while still limiting the number of directors from any one township.

I hope that you will give this bill a "do pass" recommendation.

I would be happy to answer any question.

Thank you.

2243

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Duane Kershaw
Operator's Signature

10/21/03
Date

TESTIMONY TO THE SENATE POLITICAL SUBDIVISIONS COMMITTEE

CONDERNING SENATE BILL 2243

Mr. Chairman -- Members of the Committee

My name is Leon Samuel and I am a member of the New Salem Fire Protection District.

I would like to introduce an amendment to this bill, which I have just passed out. What the amendment would do is change the language of the present North Dakota Century Code, as related to Fire Districts, to state that an individual would be eligible to be a candidate for a directorship and could be elected as such if he or she owned a freehold interest in real or personal property that was assessed for taxation in a township which they wish to represent.

The amendment would eliminate the requirement of having to reside in the respective township but would still require them to live within the fire district. The reason for this request for change is that it is becoming more difficult to find willing and qualified candidates for the positions that meet the requirements of having to own a freehold interest in real property and also reside within the township. The New Salem Fire Protection District was organized in 1972 and consists of 428 square miles and like many other districts, has one elected director from each township within the district. Although the present North Dakota Century Code was adequate at the time many Fire Districts were organized some 30 years ago, things and the way we do business have changed.

With that we support passage of Senate Bill 2243 with the amendments presented. Thank you Mr. Chairman and members of this committee for allowing me time to appear before you. I would try to answer any questions you may have.

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12/21/03
Date

AMENDMENTS TO SENATE BILL 2243

Leon Samuel

Line 11 Permanent organization must be effected by the election of a board of directors consisting of not less than five residents of the district, at least one of whom must ~~reside in and~~ represent each township by having an interest in real or personal property assessed for taxation in the township he or she is representing, and who resides within the district, if the district includes more than one township.

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10/21/03
Date

#1
2-28-03

**TESTIMONY TO THE
HOUSE POLITICAL SUBDIVISIONS COMMITTEE
CONCERNING SENATE BILL 2243**

Mr. Chairman – Members of the Committee

My name is Leon Samuel and I am a member of the New Salem Fire Protection District. This bill would change the language of the present North Dakota Century Code, as related to Fire Districts, to state that an individual would be eligible to be a candidate for a directorship and could be elected as such if he or she owned a freehold interest in real or personal property in a township which they wish to represent.

The bill would eliminate the requirement of having to reside in the respective township. The reason for this request for change is that it is becoming more difficult to find willing and qualified candidates for the positions that meet the requirements of having to own a freehold interest in real property and also reside within the township. The New Salem Fire Protection District was organized in 1972 and consists of 428 square miles and like many other districts, has one elected director from each township within the District. Although the present North Dakota Century Code was adequate at the time many Fire Districts were organized some 30 years ago, things and the way we do business have changed.

With that we support passage of Senate Bill 2243. Thank you Mr. Chairman and Members of this committee for allowing me time to appear before you. I would try to answer any questions you may have.

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10/21/03
Date

#2 2-2803

SB 2243
Duane Kershaw, Board Chairman
Sterling Rural Fire Protection District

January 30, 2003

Chairman
Ladies and Gentlemen of the Committee

I am here to speak on behalf of Senate Bill 2243.

I am Louis Heaton, Representative for the Board of Directors for the Sterling Rural Fire Protection District. Our District encompasses 11 townships and 4 small communities. Our board is made up of seven directors.

As the law stands now, no more than one director can be elected from any one township. This has posed a problem in the past and is currently creating difficulties. As the rural population decreases, we are finding fewer people in each township that are capable of and have the desire to participate in the Fire District.

The change that has been proposed in the law will give us a little more leeway when choosing board members while still limiting the number of directors from any one township.

I hope that you will give this bill a "do pass" recommendation.

I would be happy to answer any question.

Thank you.

Duane Kershaw
Operator's Signature

10/21/03
Date