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Operator's Signature

10/21/03
Date

2003 SENATE POLITICAL SUBDIVISIONS

SB 2277

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10/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2277

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 7, 2003

Tape Number	Side A	Side B	Meter #
1		X	810 - 1869
Committee Clerk Signature <i>Shirley Long</i>			

Minutes:

CHAIRMAN COOK called the committee to order.

CHAIRMAN COOK opened the hearing on SB 2277 relating to the joint exercise of powers by water resource districts.

SENATOR TOM FISCHER, District 46, Fargo ND introduced SB 2277 and ask support for the bill. This bill would recognize a joint water resource district as a political subdivision of the state to conform with the law.

Testimony in opposition of SB 2277

Sandy Clark, ND Farm Bureau, spoke in opposition of SB 2277. They have interpreted the bill differently than Senator Fischer. When the joint water board districts can become political subdivisions, they would not have to have water resource districts, they would have water shed districts or boards. In our policy it is recommended water management boards remain local boards in opposition to water shed boards because those water shed boards do cross county lines.

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They also questioned the taxing authority. If you have an entire water shed district you could be taxing people in that entire district whether they benefit from it or not. We don't want unintended consequences.

SENATOR COOK said that it was his understanding that this bill does not in anyway change how a joint water board will levy special assessments.

Sandy Clark asked if they could have an opportunity to do some further research on SB 2277.

SENATOR COOK replied that there will be an opportunity for the Farm Bureau to do some further research.

No further testimony.

SENATOR COOK closed the hearing on SB 2277.

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10/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2277

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 13, 2003 (Discussion and Action)

Tape Number	Side A	Side B	Meter #
1	X		1133 - 1370
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

CHAIRMAN COOK called the committee to order. All in attendance. (6)

CHAIRMAN COOK reminded the committee that they had heard the bill last week and that Senator Fischer had introduced the bill and explained that they just wanted this language so that it would conform with case law in the supreme court. Also an individual from Farm Bureau that signed in opposed to the bill and indicated that there was maybe some confusion. We held the bill for that individual to pursue their confusion and they reported back that they do not have any problems with the bill and would support this bill.

Committee Action:

SENATOR SYVERSON moved a **DO PASS** on SB 2277

SENATOR GARY LEE seconded the motion

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: **SENATOR GARY LEE**

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10/21/03
Date

Date: 2-13-02
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2277

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Syverson Seconded By Senator Gary 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 0

Floor Assignment Senator Gary Lee

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

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Deanne Wallis
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10/21/03
Date

REPORT OF STANDING COMMITTEE (410)
February 13, 2003 2:08 p.m.

Module No: SR-28-2612
Carrier: G. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2277: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Eleventh order on the calendar.

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12/21/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

SB 2277

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10/21/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2277

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date: March 14, 2003

Tape Number	Side A	Side B	Meter #
1	X		0.0-9.1
Committee Clerk Signature <i>Micki Schmidt</i> 4-8-03			

Minutes:

TAPE 1: SIDE A:

(0.0) CHAIRMAN GLEN FROSETH: I will call the committee to order. The clerk will take the roll: we have a quorum. We will open the hearing on SB 2277.

(3.3) SEN. TOM FISCHER: (Testimony in support) In the last sentence of the Bill it says; A joint board created under this section is a political subdivision of the state. The history of this Bill is when Joint Boards are created, they were not listed as political subdivisions. We've appeared before the Supreme Court last year and they recognized the Cass County Joint Board as a Political Subdivision and that the Century Codes are not included. At the suggestion of our attorney, he felt as though that this amendment should be introduced and clarified. The case law that the Supreme Court had to referred to, it does not give the Joint Water Resource District any more power or taxation of any kind. You've always recognized them as Political Subdivisions. This just includes Joint Boards in that list.

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10/21/03
Date

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House Political Subdivisions Committee

Bill/Resolution Number SB 2277

Hearing Date: March 14, 2003

(4.8) REP. MARY EKSTROM: Is there any consideration of specifically excluding these kinds of Joint Boards from having taxation authority?

(4.9) SEN. TOM FISCHER: These Boards do not have taxation authority per say, they accept their assessment. Except for two counties, each county only has one water board. If they take on a project that's inner district, or inner colony, joint boards are formed to accomplish that. One I could use is the joint board, the farm board in Bismarck which is Burleigh, Oliver, Mercer, McLean, I think that's all. These are joint boards. At Valley City is another one to address, to raise the wall on the dam. They're usually put together for singular projects. They're not ongoing.

(6.0) REP. DALE SEVERSON: The compensation of the joint board would be respected to that commission in each county that's paying for that person to come to that joint board, they don't receive funding?

(6.2) SEN. TOM FISCHER: No, when the contributing counties to fund the joint board, either the joint board pays the per diem to those members of the joint board from the funds that are acumitively put together by the Counties or it could be that they are paid by the county that they represent.

(6.7) CHAIRMAN GLEN FROSETH: Support? Opposition? Seeing none, we'll close the hearing on SB 2277. What are the committee's wishes?

(6.9) REP. GIL HERBEL: I MOVE A DO PASS.

(6.9) REP. ALON WIELAND: I SECOND IT.

(7.0) REP. CAROL NIEMIER: To follow up on what Rep. Ekstrom said about give them taxation power if they become a political subdivision?

(7.2) CHAIRMAN GLEN FROSETH: No, they can't levy tax. They can make assessments.

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House Political Subdivisions Committee
Bill/Resolution Number SB 2277
Hearing Date: March 14, 2003

(7.5) REP. ALON WIELAND: They can get some spending authority through the county.

That has to be approved by the county. They can't just do it on their own.

(7.8) REP. CAROL NIEMIER: What is the advantage of being named a political subdivision?

(7.9) REP. ALON WIELAND: It's always been considered a political subdivision and the Supreme Court decision was that it wasn't, so this just recognizes it as that. You might say this is housekeeping if you like that term.

(8.2) CHAIRMAN GLEN FROSETH: Any more discussion? Seeing none, I will have the clerk take the Roll Call Vote for a DO PASS: 14-y; 0-n; 0-absent; Carrier: Rep. Wieland.

(9.0)

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Deanne Waller
Operator's Signature

10/21/03
Date

Date: 3-14-03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2277

House POLITICAL SUBDIVISION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Herbel Seconded By Rep. Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froese	✓				
Vice-Chairman Nancy Johnson	✓				
Rep. Mike Grenz	✓				
Rep. Gil Herbel	✓				
Rep. Ron Iverson	✓				
Rep. William Kretschmar	✓				
Rep. Andrew Maragos	✓				
Rep. Dale Severson	✓				
Rep. Alon Wieland	✓				
Rep. Bruce Eckre	✓				
Rep. Mary Ekstrom	✓				
Rep. Carol Niemster	✓				
Rep. Sally Sandvig	✓				
Rep. Vonnle Pletsch	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Wieland

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

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Dianne Ball
Operator's Signature

10/21/03
Date

REPORT OF STANDING COMMITTEE (410)
March 14, 2003 1:41 p.m.

Module No: HR-46-4832
Carrier: Wieland
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2277: Political Subdivisions Committee (Rep. Froese, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

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HR-46-4832

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