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Deanna Dallen
Operator's Signature

10/22/03

Date

2003 SENATE POLITICAL SUBDIVISIONS

SB 2320

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2320

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 7, 2003

Tape Number	Side A	Side B	Meter #
1	X		4046 - End
		X	0 - 810
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

CHAIRMAN COOK called the committee to order.

CHAIRMAN COOK opened the hearing on SB 2320 relating to the powers of a city governing body.

SENATOR BROWN, District 27, Fargo ND introduced SB 2320 which relates to a city appropriating and disbursing funds for the establishment, maintenance and encouragement of the arts. This bill tries to answer a problem the city had when it passed some funds to a arts organization and then ending up being sued for the action. Urges a Do Pass for SB 2320

Connie Spryncznatyk, League of Cities, spoke in favor of SB 2320. They have been working with the bill sponsors to clarify a section of the general powers of cities. What they are recommending being done is that we make it clear that a city can appropriate and disburse city money and that we remove the language about matching funds, because nobody can figure out what that means.

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Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number SB 2320

Hearing Date February 7, 2003

Bill Wocken, City Administrator, City of Bismark, ND, spoke in favor of SB 2320 to add some clarity. The existing language in SB 2320 says that one of the cities powers is to accept and disburse money received from federal, state, county or private sources for the maintenance and encouragement of the arts with in the city. The reason that the language was changed is that the language on line nine and ten was becoming confusing. It will allow cities to disburse their own money in the way in which they like without having matching funds.

Mike Williams, Fargo ND feels the arts should try and raise their own funds and not become as dependent on city funds.

No further testimony.

SENATOR COOK closed the hearing on SB 2320.

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2320

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 14, 2003 (Discussion and Action)

Tape Number	Side A	Side B	Meter #
1	X		3150 - 4487
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

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

SENATOR SYVERSON presented a proposed amendment request brought back from the League of Cities. The amendments define to a great extent what the legislative purpose and policy is in reference to the arts. (See attached proposed amendments) He would like to include the amendment as it is already in statute and it brings it to the attention of this particular bill and it may help.

Further discussion Tape 1, Side A, 3200 - 4039

SENATOR SYVERSON moved the amendments of SB 2320

SENATOR CHRISTENSON seconded the motion.

Roll call vote: Yes 6 No 0 Absent 0

SENATOR POLOVITZ moved a DO PASS AS AMENDED on SB 2320

SENATOR CHRISTENSON seconded the motion

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10/22/03
Date

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number SB 2320

Hearing Date February 14, 2003

Roll call vote: Yes 4 No 2 Absent 0

Carrier SENATOR CHRISTENSON

CHAIRMAN COOK adjourned the meeting.

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10/22/03
Date

Prepared for: Senate Political Subdivisions Committee
Prepared by: North Dakota League of Cities
Date: February 11, 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2320

Page 1, line 9, after "city" insert "consistent with the legislative policy
of section 54-54-01"

Renumber accordingly

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10/22/03
Date

38356.0101
Title.0200

Adopted by the Political Subdivisions
Committee

February 14, 2003

JB
2-18-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2320

Page 1, line 6, after "To" insert "consistent with section 54-54-01."

Renumber accordingly

Page No. 1

38356.0101

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10/22/03

Date

Date: 2-14-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2320

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38356. 0101

Action Taken Do Pass Amendments

Motion Made By Senator Syverson Seconded By Senator Christenson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, VC	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:

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10/22/03
Date

Date: 2-14-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2320 Do Pass ^{as} ~~with~~ Amended

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38356.0101

Action Taken Do Pass as Amended

Motion Made By Senator Rehwitz Seconded By Senator Christenson

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) 4 No 2

Absent 0

Floor Assignment Senator Christenson

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

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10/22/03

Date

REPORT OF STANDING COMMITTEE (410)
February 18, 2003 3:57 p.m.

Module No: SR-31-3152
Carrier: Christenson
Insert LC: 38356.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2320: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 6, after "To" insert "consistent with section 54-54-01."

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-31-3152

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10/22/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

SB 2320

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Deanne O'Brien
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10/22/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2320

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date: March 13, 2003

Tape Number	Side A	Side B	Meter #
1	X		20.4-32.8
Committee Clerk Signature <i>Mickie Schmidt</i> 3-28-03			

Minutes:

TAPE 1: SIDE A:

(20.4) CHAIRMAN GLEN FROSETH: We will open the hearing on SB 2320.

(21.6) CONNIE SPRYNCZYNATY; LEAGUE OF CITIES: There were some questions within the last year or so about what is the counties ability to make contribution to the Arts and in another case a home rule city. The League asked that this bill be introduced to clarify the section in state law under the municipal powers. This is an existing section under home rule with proper language in the home rule charter and implementing ordinance, there is no question about home rule city's being able to do it. The problem is that many of our state home rule charter's are limited to city sales tax in which case the charter does not contain that broad language. And that would probably not be considered an acceptable practice just because it's some confusion about this little section. And it has been in existence for some time. The old language has caused some discussion around people around this state wondering whether physical language says you have

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10/22/03
Date

Page 2

House Political Subdivisions Committee

Bill/Resolution Number SB 2320

Hearing Date: March 13, 2003

to have a matching situation before you can contribute money, there was some language that frankly nobody could explain and we did a fair amount of research on it.

(23.3) REP. ANDREW MARAGOS: Does this have something to do with an event in Bismarck?

(23.4) CONNIE SPRYNCZYNATYK: You read the paper, don't you? Ha. The issue there is a companion bill that clarifies that a county may make the same sort of support for the Arts. The issue was the Symphony in this community sponsors the celebration of the 4th of July, and that includes the fireworks display and symphony. It's a great event but it was the Burleigh County contribution for that effort would vouch you're not a home rule charter county, counties don't have that in their power anyway. But then there was this language that sort of makes it unclear whether it's matching situation or just what happens. So there is a separate bill.

(24.3) REP. WILLIAM KRETSCHMAR: On line 8 of the bill, what was the reason to delete the word "city"?

(24.5) CONNIE SPRYNCZYNATYK: I don't know.

(24.7) JERRY HJELMSTAD: I believe the reason the "city" was deleted on line 8 was because of the addition of the word "city" on line 7, they're talking about city funds already being dispersed and they would be able to accept funds from other sources.

(25.0) CHAIRMAN GLEN FROSETH: After section 54-54-01 pertains to?

(25.3) JERRY HJELMSTAD: (Testimony in support) (See attachment #1) The reference to 54-54-01 is just a reference to something that the Legislature had established back in 1967 relating to the Legislative purpose for supporting the Arts. It kind of defines what they're talking

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10/22/03
Date

Page 3

House Political Subdivisions Committee

Bill/Resolution Number SB 2320

Hearing Date: March 13, 2003

about when they're talking about supporting the Arts. So this bill will give the cities the ability to contribute to the Arts.

(26.0) REP. ALON WIELAND: Could Connie go back and explain again how home rule cities are or are not affected by this.

(26.3) CONNIE SPRYNCZYNATYK: The confusion came up from the language in lines 9 and 10, the overstruck language. That was the piece that I referred to as really confusing. Many city attorneys and certainly many commissions and councils, because it seems to no where and we contacted Legislative Council and we could not find why that was in place. The only explanation that we have is that a number of years ago the National Endowment for the Arts and the North Dakota Council on the Arts began offering through a matching grant program money to support local Arts. We think that may have been a piece of that activity. What we wanted to make clear was that the city may promise funds, the language that's added on line 6, the word "appropriate" and disburse city money. In other words, the city doesn't have to have received funds from someplace else. The city may distribute city money. It could be from sales tax or general fund. The reason the language was added regarding the 54-54-01 was because the Senate had some concerns that the support for the Arts be defined a bit. We contacted the North Dakota Council on the Arts to say how do you use the money that the State gives you towards the Arts, and that's why that section was added.

(27.9) REP. DALE SEVERSON: Let's say that Cooperstown has a large council. They receive money from Binford to give to the Arts Council. Can they do that because it's not appropriated by Cooperstown, it's given to them by Binford, so if you would strike that out does that mean that they can't receive it from other cities?

Page 4

House Political Subdivisions Committee

Bill/Resolution Number SB 2320

Hearing Date: March 13, 2003

(28.5) CONNIE SPRYNCZYNATYK: We would not suggest that to be true. It says "disburse city moneys and to accept and disburse moneys received. If it were acceptable to the committee to either add that city back in or add local. I don't think it would harm the bill at all. It would be uncommon for cities to be passing money back and forth for local support for the Arts. In other words, transferring it to a city.

(29.6) REP. DALE SEVERSON: In rural North Dakota it may change a little bit, because they are going to start sharing purposes and because of all the necessities. Do they have to adjust it?

(30.0) CONNIE SPRYNCZYNATYK: Usually if they are going to share services they have the joint power to do it.

(30.3) CHAIRMAN GLEN FROSETH: Any questions? Support? Opposition? Seeing none, I will close the hearing on SB 2320.

(30.5) REP. WILLIAM KRETSCHMAR: I WOULD MOVE THE AMENDMENT.

LINE 8, REMOVE THE OVERSTRIKE OVER THE WORD "CITY".

(30.7) REP. DALE SEVERSON: I SECOND IT.

(30.8) CHAIRMAN GLEN FROSETH: Any committee discussion? Support? Opposition? Hearing none, I will take a voice vote on the amendment. 14-y; 0-n; The amendment carries.

(31.9) REP. DALE SEVERSON: I MOVE A DO PASS AS AMENDED.

(31.9) REP. ANDREW MARAGOS: I SECOND IT.

(32.0) CHAIRMAN GLEN FROSETH: Any discussion? Seeing none, I will have the clerk take the Roll Call Vote: 12-y; 0-n; 2-absent; Carrier: Rep. Severson. (32.8)

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10/22/03
Date

38356.0201
Title.0300

Adopted by the Political Subdivisions
Committee

March 13, 2003

House Amendments to Engrossed SB 2320 - Political Subdivisions Committee
03/13/2003

Page 1, line 8, remove the overstrike over "city"

Renumber accordingly

1 of 1

38356.0201

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Date: 3-13-03
Roll Call Vote #: 4

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2320

House POLITICAL SUBDIVISION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Severson Seconded By Rep. Maragos

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

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Severson

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10/22/03
Date

REPORT OF STANDING COMMITTEE (410)
March 13, 2003 5:01 p.m.

Module No: HR-45-4759
Carrier: Severson
Insert LC: 38358.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2320, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2320
was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "city,"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-45-4759

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2003 TESTIMONY

SB 2320

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10/22/03

Date

CHAPTER 54-54
COUNCIL ON THE ARTS

54-54-01. Legislative purpose and policy. It is the finding of the legislative assembly that many of our citizens lack the opportunity to view, enjoy, or participate in living theatrical performances, musical concerts, operas, dance and ballet recitals, art exhibits, examples of fine architecture, and the performing and fine arts generally. It is further found that, with increasing leisure time, the practice and enjoyment of the arts are of increasing importance and that the general welfare of the people of the state will be promoted by giving further recognition to the arts as a vital aspect of our culture and heritage and as a valued means of expanding the scope of our educational programs.

It is declared to be the policy of the state to join with private patrons and with institutions and professional organizations concerned with the arts to ensure that the role of the arts in the life of our communities will continue to grow and will play an evermore significant part in the welfare and educational experience of our citizens.

Source: S.L. 1967, ch. 397, § 1.

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10/22/03
Date

Bismarck

City Administration

February 5, 2003

MEMORANDUM

TO: Senator Ed Kringstad

FROM: Bill Wocken

SUBJECT: SB 2320 and 2331

Ed,

I visited with City Attorney Charlie Whitman regarding these bills this afternoon. Charlie provided the draft language for SB 2320 so he was very familiar with the subject and the section of the code. The city would prefer SB 2320 over SB 2331.

SB 2320 was written specifically for cities in that it amends only the municipal powers portion of the NDCC. It clarifies that section in that, as it is currently written, there is confusion about whether or not a city can simply provide funding for the arts or can only do so as matching funds for another source. It amends item 75 in the list of powers of a city. It eliminates the reference to "city" on line 7 because the city wouldn't likely receive money from itself. Therefore the reference is unnecessary. The language deleted in lines 9 and 10 is unnecessary because in line 6 the city has the right to appropriate whether to provide match or principal funding. I have enclosed 40-38.1 dealing in depth with municipal arts councils for your reference.

SB 2331 is written for county needs. The county is not a party to NDCC 40-38.1 so it needs to affect a different section of the NDCC. The needs of the groups are different. We definitely prefer SB 2320. To put cities into SB 2331 would set up a potential and likely real conflict with NDCC 40-05-01 which is the subject of SB 2320 and with NDCC 40-38.1.

Phone: 701-222-6471 ★ FAX: 701-222-6470 ★ 221 N. Fifth St. ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503

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