

2009 HOUSE JUDICIARY

HB 1346

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1346

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/26/09

Recorder Job Number: 7709

Committee Clerk Signature

Penrose

Minutes:

Chairman DeKrey: We will open the hearing on HB 1346.

Danette Odenbach, ND Assoc. of Counties: Support (attachment).

Chairman DeKrey: Thank you. Further testimony in support.

Jerry Hjelmstad, ND League of Cities: Support.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1346

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/28/09

Recorder Job Number: 7983

Committee Clerk Signature

D. Penrose

Minutes:

Chairman DeKrey: We will take a look at HB 1346. What are the committee's wishes.

Rep. Kretschmar: I move a Do Pass.

Rep. Wolf: Second.

12 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Kretschmar

Date: 1/28/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1346

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ DP ☐ DNP ☐ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Kretschmar Seconded By Rep. Wolf

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser		
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 12 No 0

Absent 1

Floor Carrier: Rep. Kretschmar

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

REPORT OF STANDING COMMITTEE (410)
January 28, 2009 12:12 p.m.

Module No: HR-17-1076
Carrier: Kretschmar
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1346: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1346 was placed on the
Eleventh order on the calendar.

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1346

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1346

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/13/09

Recorder Job Number: 10950

Committee Clerk Signature

Katta Oliver

Minutes:

Chairman Dever called the committee to order. Representative William Kretschmar was there to introduce the bill.

Representative Kretschmar: William Kretschmar, Representative from district 28. This bill was passed by legislative assembly; it was to allow local political subdivisions to work with each other in a better way. Each 5 years the political subdivisions were to look at their structure of government and do something about it and it was a mandate. At least in the smaller subdivisions that mandate was more out of its reach. The Association of Counties would like to get that part of the statute removed, that is basically what 1346 does, there are still provisions in law that they can look in the structure of their process. Allow them to do that as a need basis rather than have North Dakota require a mandate. I would urge you to give it a do pass.

Senator Cook: Would we be sending a message to local government that they have reached the top of the mountain when it comes to finding efficiencies?

William Kretschmar: We are sending a message that says that the political subdivisions have the right to see how the best way to make your agency better as is needed in your local area.

Senator Nelson: How many political subdivisions have this creature, the advisory committee?

William Kretschmar: I don't think the association of counties keeps track of it. I would guess that a large number of our smaller political subdivisions ignore it.

Senator Dever: If they followed the mandate they would establish it order to avoid the cost of an election.

Terry Traynor: Assistant Director, North Dakota Association of Counties. See attached testimony #1.

Senator Horne Is this is based on the creation of the tool chest bill in 1973. How has that been accepted and has it brought good results?

Terry Traynor: I would say yes. Every county has used the tool chest or the joint powers authority to combine officers, re-designate offices.

Senator Horne: My mother was a county superintendant of schools and towards the end of her career, as things were winding down, they were working with other counties on a half time basis, is that an example of use of the tool chest?

Terry Traynor: The legislature prior to the tool chest did some re-organization in relation to the tool chest. That resulted in a number of consolidations as well but since that time the tool chest has been used to do cross county consolidations of that function.

Senator Cook: Has this been introduced in past session and failed?

Terry Traynor: No, there was a bill that was supposed to re peel the tool chest. This provision is what was left out of political subdivisions.

Senator Cook: We talk a lot about property tax, I happen to believe that there is opportunity to accomplish this if you had willing government officials to work together. I think that the right direction is to form a committee with cities and counties on how to find efficiencies.

Terry Traynor: I acknowledge the value of having those committees and if they were to more regularly meet and have a specific charge I think that you would see more ideas brought

forward. That is why we don't want to lose the ability to create that committee either by a citizen petition or commission resolution. But our members feel that the way it is structured now, it doesn't bring that result.

Senator Cook: What is it that we could do to encourage the discussion?

Terry Traynor: This is not the answer that you are looking for, but one of the things that we have seen is whenever there is an obvious financial benefit for counties to come together with another county or city and share we see it happening. Sometimes it is hard to see the short and long term financial benefits. Sometimes the initial investment to get the long term benefits is not available. Rather than a requirement to do a study, show the county that there is a financial benefit to this.

Senator Dever: We are eliminating the requirement for an election but we are still allowing in existing law that somebody could circulate a petition and 10% of the voters that voted in the governor's election and what would they have to do?

Terry Traynor: Then they would have to create the committee.

Senator Horne: Is there anything in this that would encourage more cooperation between city and county government?

Terry Traynor: They have the ability in the requirement for the vote but they do have the ability to form a joint city county advisory committee that would fulfill the cities and the counties obligation under current law.

Senator Horne: That makes me think of the cities. Does this bill also require cities to form study committees?

Terry Traynor: Under current law they are also required to put it on the ballot every 5 years.

This bill takes that requirement away from the cities as well.

Keith Magnusson: Keith Magnusson representing the North Dakota League of Cities. Everything has been said, on line 18 that applied to both counties and cities I think that this is a good move, you still have the governing body that can ask for the committee, you still have the petition of the electors. On behalf of the league of cities I would support this.

Al Jager: Al Jager Secretary of State. The one thing that comes to mind from an election standpoint 5 years makes no sense; the bill has merit because a 5 year cycle doesn't work with anything be it city or county.

There was no further discussion on HB1346 and Chairman Dever closed the public hearing.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1346

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/13/09

Recorder Job Number: 11351

Committee Clerk Signature

Kate Olive

Minutes:

Committee work on HB1346

Senator Dever: The people could still require that they have the committee or the local mandate could.

Senator Cook: My only problem is that we might seem that we are content and we no longer see the importance of finding consolidation or efficiency. We either pass as is or amend to make work.

Senator Horne: 5 year cycle is strange.

Senator Cook: Change from 5 to once every 5-10 years.

Senator Dever: Change to 4 or 6.

Senator Cook: Give a window, once every decade.

Senator Nelson: Need to re write section 2.

Senator Cook: No less than 5 and no more than 7 years has lapsed.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1346

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/13/09

Recorder Job Number: 11655

Committee Clerk Signature

Katia Oliver

Minutes:

Senator Dever: Had discussion and no amendments have been offered.

Senator Cook: I had a note to draft some to deal with the 5 year situation. It's a do nothing law that they are taking out, my only regret is that it sends a different message than I would like to send to local governments.

Senator Dever: Subsection 1, does not bring it to a vote, though.

Senator Cook: No vote required. If 10% sign a petition they would have to do it

Senator Nelson: Under tool chest, correct.

Senator Cook made a motion for a do pass with a second by Senator Horne, there was no discussion and the motion passed 5-0 with Senator Dever carrying the bill to the floor.

Date: 4-2-09
Roll Call Vote #: 1

Carver
Dever

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1346

Senate Government and Veteran's Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Cook Seconded By Horne

Representatives	Yes	No	Representatives	Yes	No
Dick Dever	X		Dwight Cook	X	
Dave Oehlke	X		Carolyn Nelson	X	
Robert M. Horne	X				

Total Yes 5 No 0

Absent _____

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE (410)
April 2, 2009 1:49 p.m.

Module No: SR-56-6007
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1346: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1346
was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1346

**Testimony To The
HOUSE JUDICIARY COMMITTEE
Prepared January 26, 2009 by
Danette Odenbach
North Dakota Association of Counties**

REGARDING HOUSE BILL 1346

Chairman DeKrey and members of the Committee, the North Dakota Association of Counties requested the introduction of this bill and urges your support.

The purpose of this proposal is, very simply, to eliminate the requirement that county ballots periodically contain a question about the establishment of a “local advisory study committee” to examine the form and function of county government. Currently, the committee can be formed by one of three methods – citizen petition, county board resolution, or the approval of a ballot question.

History has shown the five year requirement can be easily overlooked as it does not match the two-year election cycles, and is often confusing for the voters. For these reasons the County Auditors have asked that the vote requirement be removed; preserving, however, both the citizens’ ability (through petition) and the commission’s ability (by resolution) to establish such a committee.

We urge your support and a “Do Pass” recommendation.

**Testimony To The
SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE
Prepared March 13, 2009 by
Terry Traynor, Assistant Director
North Dakota Association of Counties**

REGARDING HOUSE BILL No. 1346

Chairman Dever and members of the Committee, the North Dakota Association of Counties requested the introduction of this bill and urges your support.

The purpose of this proposal is, very simply, to eliminate the requirement that county ballots periodically contain a question about the establishment of a “local advisory study committee” to examine the form and function of county government. Currently, the committee can be formed by one of three methods – citizen petition, county board resolution, or the approval of a ballot question.

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We urge your support and a “Do Pass” recommendation.