

1999 SENATE POLITICAL SUBDIVISIONS

SB 2274


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2274

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 28,1999

Tape Number	Side A	Side B	Meter #
1	x		4129 to end
1		x	0 to 3066
Committee Clerk Signature 			

Minutes:

SENATOR LEE: senator TRAYNOR WILL PRESENT THIS BILL SB2274

SENATOR TRAYNOR: Introduction of SB2274 SEE TESTIMONY

SENATOR LEE: part time salaries vs.. full time salaries for full time employees any consideration for the counties position, prorating salary schedule

SENATOR TRAYNOR: don't know where 45% came from

SENATOR FLAKOLL: line 11 and district court judge salary

SENATOR TRAYNOR: yes it could, and salary of district court judge

SENATOR WATNE: hold

LONNIE OLSON: PRESIDENT OF NORTH DAKOTA STATES ATTORNEY GENERAL, SUPPORT FOR 2274, position requirements and compensation requirements, SEE

TESTIMONY ALSO REFERRED TO BY SENATOR TRAYNOR

LONNIE OLSON: further information on the duties and salaries for States Attorneys

SENATOR LYSON: how many terms have you been a states attorney

LONNIE OLSON: 2

SENATOR LYSON: job of legislatures to set salaries of states attorneys

LONNIE OLSON: budgets left to county commission (hb1362) and salaries that are set by statute

SENATOR LEE: no salaries of these officials should be set by the state, concern between county commissioners and attorneys unfunded mandate

LONNIE OLSON: lot's of unfunded mandates

SENATOR LEE: Tell me why your is more important that the others

LONNIE OLSON: county commissioners look at consent, pay little more for attorneys, jail time for criminals vs.. county commissioners

SENATOR FLAKOLL: on the job training and the election process

LONNIE OLSON: county prosecutor at an entry level position and having good people

SENATOR NELSON: discussion of salaries on smaller counties for the states attorneys and what this does to budgets and county commissioners duties , multa county states attorneys and who pays the costs

LONNIE OLSON: tool chest bill and cumulative salaries in smaller counties

SENATOR LEE: county commissioners would be offended at suggestion of roads and bottom line.

DISCUSSION

END OF SIDE A

SANDI TABOR: support SB2274

SENATOR WATNE: salaries for these officials in state law

SANDI TABOR: no, there are provisions for certain officials

SENATOR LYSON: what does a new attorney make going into private practice

SANDI TABOR: I cannot, because of varied types of attorneys

SENATOR LYSON: ND attorneys make less than 60 thousand a year

SANDI TABOR: are you saying most students out of law school make 60 thousand a year

SENATOR LYSON: no, working attorneys in large law offices

SANDI TABOR: just a normal attorney making 60 thousand a year

SENATOR LYSON: yes

SANDI TABOR: You may be close

SENATOR FLAKOLL: breakout of years of experience and whether the attorney is full time or part time

SANDI TABOR: statistic by county that shows the amount of experience they have

SENATOR KELSH: market salary based on availability and those with experience getting that salary

SANDI TABOR: better to allow the market to dictate the price: new attorneys given the choice of private practice vs. the states attorney, and county concerns for this and the public service being elected to a position as this

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SENATOR KELSH: is the opposite true by attracting unqualified people at a higher salary

SANDI TABOR: yes, you attract the good ones also and it also makes a better deal for those whom have the experience

SENATOR LEE: questions

BOB MANLY: in favor of 2274 and the historic challenge of attracting these attorneys from schools, counties setting salaries and outcome, turn over of these attorneys and making these state funded attorneys state funded employee's.

SENATOR LEE: any further testimony

TOM HENNING: Support for this bill, wage increases for the attorneys and their assistants, equitable pay for equitable work

SENATOR LEE: opposed for SB2274

DAN KEILOF see testimony

SENATOR WATNE: how many other offices are covered by the statute

DAN KEILOF: most due

SENATOR WATNE: changes in the mandate

DAN KEILOF: yes, and this being on a local issue and being left up to the local authority

DISCUSSION

SENATOR FLAKOLL: support of a 2000 increase

SENATOR LEE: copies of HB1362

ALLAN RUZICKA: Walsh County Commission, see testimony

SENATOR LEE: questions

SENATOR WATNE: how many years experience did your states attorney have

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ALLAN RUZICKA: 3 terms and 9 years

SENATOR WATNE: experience before that

ALLAN RUZICKA: 46,200 a year

SENATOR FLAKOLL: raising the base cap

ALLAN RUZICKA: base should stay where it's at but it should be up to the county
commissioners

SENATOR WATNE: pay any training or continuing education and licensing

SENATOR LYSON: committee does anyone else pay these fees for their attorneys?

DISCUSSION

JERRY BILLARD: RAMSEY COUNTY COMMISSIONER, opposed to the bill and process
needs to be brought back to the commissioners

SENATOR WATNE: entire section repealed and salaries be brought to county commissioners
and filling positions and based salary cap

JERRY BILLARD: state governments roll in allowing elected officials to hire and fire and to
determine the salaries

SENATOR NELSON: states attorneys need to remove themselves from a law practice and moon
light at other jobs

DISCUSSION

SENATOR LEE: neutral positions

DOUG MATTSON: WARD COUNTY STATES ATTORNEY, moon lighting and salaries for
assistants and extra bonuses, effective date of bill and salaries at the end of terms, and the term
"off the reservation" and sediments towards mutual control and budget buster for the counties.

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SENATOR WATNE: sheet on expenditures and it's impact on each county, counties that we heard from and the salary base for the states attorney

DOUG MATTSON: discussion about a new states attorney for Bottineau County

SENATOR LEE: delayed dates and effects on counties that have budgets already

JERRY BILLARD: effective date and budgets

MOTION: BREAK AND NO FURTHER DISCUSSION

February 5, 1999

MOTION: do not pass 5 - 1 in favor

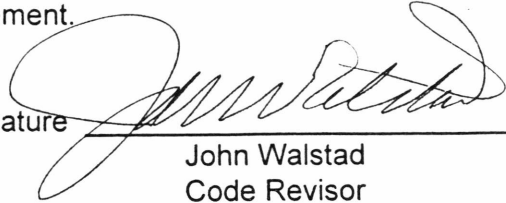
SENATOR WATNE: only vote for do pass on SB2274

FISCAL NOTE STATEMENT

Senate Bill or Resolution No. 2274

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, or school districts. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Signature



John Walstad
Code Revisor

Date: 2-5-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2274

Senate Political Subdivisions Committee Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By Flakoll Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne		/			
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 5 4 No 1

Absent ~~Nelson~~

Floor Assignment Flakoll

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

REPORT OF STANDING COMMITTEE (410)
February 5, 1999 1:58 p.m.

Module No: SR-24-2086
Carrier: Flakoll
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2274: Political Subdivisions Committee (Sen. Lee, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2274 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

SB. 2274

Ramsey County State's Attorney Quick Notes

Date: Feb. 2, 1999

TO: Sen Judy Lee, Chair of Senate Pol. Subs Comm.;
Rep. Glen Froseth, Chair of House Pol. Subs. Comm.

Fr: Lonnie Olson, Ramsey County State's Attorney
and President of NDSAA

RE: Summary Salary History for States Attorneys & Commissioners

Session	States Attorneys	County Comm'ers
1985 Note: Allowed for 2 year phase in.	In counties w/ pop over 35,000 or otherwise full time SAs paid same as stat. min. of what Cnty Judge earned on 1-1-85. ('85 S.L. Ch.156 ¶ 1) Cnty Judges paid 85% of Dist Judges ('83 S.L. Ch350 ¶ 1). Dist Judges earned 550,600 ('83 S.L. 345 ¶ 4). So such States Attorneys paid at least \$43,010	Maximum salary of \$7,500. ('85 S.L. Ch. 154 ¶ 1).
1989 Note: 1-1-90 effective date		Max Comm'r salary of \$8,200 for counties with pop. Over 10,00 & \$7,500 for counties w/ pop under 10,000. ('89 S.L.; Ch 139 ¶ 1).
1991 Note: 1-1-92 effective date	In counties w/ pop over 35,000 or otherwise full time SAs paid \$45,000 ('91 S.L.; Ch. 104 ¶ 1) Cnty Ct judges eliminated. ('91 S.L.; Ch 326 ¶ 13). attorneys	Max Comm'r salary of \$10,000 for counties with pop. over 10,000; Max Comm'r salary of \$9,300 for counties with pop. Under 10,000. ('91 S.L.; Ch. 104 ¶ 1)
1999 -- as proposed in HB 1362	In counties w/ pop over 35,000 or otherwise full time SAs to be paid \$47,000	Max Comm'r salary to be \$12,000 for counties with pop. over 10,000; Max Comm'r salary to be \$11,300 for counties with pop. under 10,000.
Percentage increases from 1985 to HB 1362	9.27% ($\$47,000 - \$43,010 = \$3,990 / \$43,010$)	60% and 50.6% ($\$12,000 - \$7,500 = \$4,500 / \$7,500$ & $\$11,300 - \$7,500 = \$3,800 / \$7,500$)

Ramsey County , North Dakota
Office of States Attorney

Lonnie W. Olson
States Attorney

SB 22724

Telephone: 662-7077
Devils Lake, ND 58301

524 4th Ave. # 16

To:

Sen. Jerry Kelsh
Sen. Stan Lyson
Sen. Wayne Stenehjem
Sen. Darlene Watne
Sen. Jack Traynor
Sen. Judy Lee
Rep. Glen Froseth
Sen. Carolyn Nelson

From: Lonnie W. Olson
Ramsey County State' Attorney
President, NDSAA

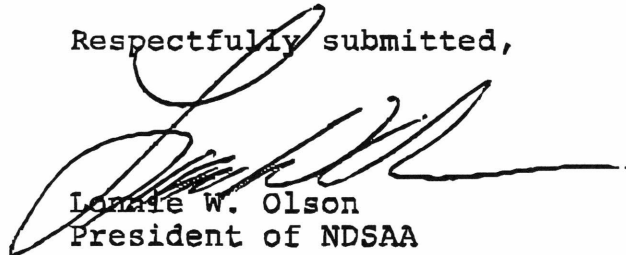
Date: February 2, 1999

Dear Senators and Representatives:

I am forwarding to you additional information to clarify the testimony on SB2274 and HB1362 pertaining to salaries of states attorneys and commissioners since 1985.

Thank you for your consideration.

Respectfully submitted,



Lonnie W. Olson
President of NDSAA

LWO/cj

From: Terry O. Traynor/ISD/NoDak@Hub on 01/27/99 02:03 PM

To: John T. Traynor/NDLC/NoDak@NoDak

cc:

Subject: Salary Info.

Here's my second try with just text.

County State's Attorney Salaries

County	Monthly Salary Full-Time	Part- or Annual Salary		
Adams	2,083.33	P		25,000
Barnes	4,638.42	F		55,661
Benson	1,898.36	P		22,780
Billings	2,565.00	P		30,780
Bottineau		3,888.54	F	46,662
Bowman		2,013.00	P	24,156
Burke	2,021.58	P		24,259
Burleigh		5,072.00	F	60,864
Cass	5,374.00	F		64,488
Cavalier		2,450.00	P	29,400
Dickey	2,000.00	P		24,000
Divide	2,184.92	P		26,219
Dunn	2,397.50	P		28,770
Eddy	1,941.67	P		23,300
Emmons		2,531.38	P	30,377
Foster	2,002.92	P		24,035
Golden Valley		2,569.67	P	30,836
Grand Forks		5,734.00	F	68,808
Grant	2,911.00	P		34,932
Griggs	2,090.25	P		25,083
Hettinger		2,168.34	P	26,020
Kidder	1,887.50	P		22,650
LaMoure		2,070.00	P	24,840
Logan	1,842.50	P		22,110
McHenry		1,973.00	P	23,676
McIntosh		2,052.84	P	24,634
McKenzie		2,416.67	P	29,000
McLean	4,291.67	F		51,500
Mercer	4,482.91	F		53,795
Morton	4,992.00	F		59,904
Mountrail		2,509.00	P	30,108
Nelson	2,220.00	P		26,640
Oliver	2,195.17	P		26,342
Pembina		4,250.00	F	51,000
Pierce	2,000.00	P		24,000
Ramsey		4,022.00	F	48,264
Ransom		2,697.83	P	32,374
Renville	2,133.00	P		25,596
Richland		4,927.77	F	59,133
Rolette	2,763.00	P		33,156
Sargent	2,185.00	P		26,220
Sheridan		1,779.17	P	21,350
Sioux	1,770.83	P		21,250
Slope	2,007.00	P		24,084

Stark	4,301.91	F	51,623
Steele	2,090.00	P	25,080
Stutsman	4,911.97	F	58,944
Towner	2,014.75	P	24,177
Traill	2,317.18	P	27,806
Walsh	3,850.00	F	46,200
Ward	4,594.00	F	55,128
Wells	1,893.00	P	22,716
Williams	4,092.18	F	49,106
	154,069.73	1,848,837	

Current salaries are based on 1998 salaries from NDACo Salary Survey completed June, 1998

January 28, 1999 • Senate Political Subdivisions Committee
Allen Ruzicka • Walsh County Commissioner

TESTIMONY FOR SENATE BILL 2274

Chairperson Lee and committee members, I am Allen Ruzicka, Walsh County Commissioner. I am here in opposition to Senate Bill 2274 which would increase the minimum salaries of state's attorneys.

The commissioners of Walsh County feel that the minimum salary requirements being proposed in this bill would place an undue burden on our county. If this law was passed, it would come into effect in August of this year, and Walsh County would have to locate over \$13,000 in an already strained budget to meet the requirements.

We propose that salaries should be set by workload or caseload, and reflect what the taxpayers of Walsh County can afford to pay. Setting the minimums this high just isn't feasibly for many of North Dakota's counties.

County commissioners should have the freedom to determine reasonable pay scales for the work needed in each county. We are not opposed to a fair salary, but feel that salaries should be determined at the local level.

Madam chair and committee members, I ask that you take into consideration the effects this bill could have on a county such as ours. Please give a **do not pass** recommendation to Senate Bill 2274.

**TESTIMONY TO THE
SENATE POLITICAL SUBDIVISIONS COMMITTEE**
by the
North Dakota County Commissioners Association
Dan Kalil, NDCCA President, Williams County Commissioner

REGARDING SENATE BILL NO. 2274

Chairperson Lee and members of the committee, as President of the North Dakota County Commissioners Association, I am here to express the concerns and strong opposition of county commissioners for the state's attorney salary increases as set forth in Senate Bill 2274.

The County Commissioners Association has supported a \$2,000 across-the-board increase for elected-officials minimum salaries that is contained in HB1362, being heard in the House Political Subdivisions Committee today. That bill was the result of a rather lengthy debate and ultimate consensus reached by the North Dakota Association of Counties Board, which contains representatives of all county-elected officials groups, including the State's Attorneys. The bill before you today is outside the compromise that was reached at that time.

Prior to the mid-1980's, every county-elected officials group addressed this issue individually, and often with poor results. In 1985, in 1991, and now in 1999, through the County Association, a compromise bill has been brought to the Legislature. As a commissioners organization we recognize the need to move the minimums up to encourage a few counties to maintain adequate compensation levels, but we must oppose singling out one county official group for a 33% increase

As you can see by the attached table, which outlines the county expenditure effects of Senate Bill 2274, some counties where the commission is convinced it is necessary, they have already gone well beyond the minimum salary requirements set forth in this bill.

Unlike the Association compromise bill, this bill has no delay of effective date. If passed, the changed law would come into effect August 1st, impacting budgets that have already been set for the current year. The impacts created by this mid-year implementation alone would be astronomical, and annually, 39 counties would be impacted to the tune of over \$164,000.

Madam Chair and committee members, I urge you to consider the impacts this bill creates, while excluding the other county official groups. I ask that you give a Do Not Pass recommendation for Senate Bill 2274.

**Effect of SB2274 on County Expenditures
Due to Increase in Minimum State's Attorney Salary**

County	Monthly Salary	W	Annual Salary	Proposed Salary Min.	Increased County Costs - Annual		
					Part-Time	Full-Time	Total
Adams	2,083.33	P	25,000	27,000	2,000		2,000
Barnes	4,638.42	F	55,661	60,000		4,339	4,339
Benson	1,898.36	P	22,780	27,000	4,220		4,220
Billings	2,565.00	P	30,780	27,000	-		-
Bottineau	3,888.54	F	46,662	60,000		13,338	13,338
Bowman	2,013.00	P	24,156	27,000	2,844		2,844
Burke	2,021.58	P	24,259	27,000	2,741		2,741
Burleigh	5,072.00	F	60,864	60,000		-	-
Cass	5,374.00	F	64,488	60,000		-	-
Cavalier	2,450.00	P	29,400	27,000	-		-
Dickey	2,000.00	P	24,000	27,000	3,000		3,000
Divide	2,184.92	P	26,219	27,000	781		781
Dunn	2,397.50	P	28,770	27,000	-		-
Eddy	1,941.67	P	23,300	27,000	3,700		3,700
Emmons	2,531.38	P	30,377	27,000	-		-
Foster	2,002.92	P	24,035	27,000	2,965		2,965
Golden Valley	2,569.67	P	30,836	27,000	-		-
Grand Forks	5,734.00	F	68,808	60,000		-	-
Grant	2,911.00	P	34,932	27,000	-		-
Griggs	2,090.25	P	25,083	27,000	1,917		1,917
Hettinger	2,168.34	P	26,020	27,000	980		980
Kidder	1,887.50	P	22,650	27,000	4,350		4,350
LaMoure	2,070.00	P	24,840	27,000	2,160		2,160
Logan	1,842.50	P	22,110	27,000	4,890		4,890
McHenry	1,973.00	P	23,676	27,000	3,324		3,324
McIntosh	2,052.84	P	24,634	27,000	2,366		2,366
McKenzie	2,416.67	P	29,000	27,000	-		-
McLean	4,291.67	F	51,500	60,000		8,500	8,500
Mercer	4,482.91	F	53,795	60,000		6,205	6,205
Morton	4,992.00	F	59,904	60,000		96	96
Mountrail	2,509.00	P	30,108	27,000	-		-
Nelson	2,220.00	P	26,640	27,000	360		360
Oliver	2,195.17	P	26,342	27,000	658		658
Pembina	4,250.00	F	51,000	60,000		9,000	9,000
Pierce	2,000.00	P	24,000	27,000	3,000		3,000
Ramsey	4,022.00	F	48,264	60,000		11,736	11,736
Ransom	2,697.83	P	32,374	27,000	-		-
Renville	2,133.00	P	25,596	27,000	1,404		1,404
Richland	4,927.77	F	59,133	60,000		867	867
Rolette	2,763.00	P	33,156	27,000	-		-
Sargent	2,185.00	P	26,220	27,000	780		780
Sheridan	1,779.17	P	21,350	27,000	5,650		5,650
Sioux	1,770.83	P	21,250	27,000	5,750		5,750
Slope	2,007.00	P	24,084	27,000	2,916		2,916
Stark	4,301.91	F	51,623	60,000		8,377	8,377
Steele	2,090.00	P	25,080	27,000	1,920		1,920
Stutsman	4,911.97	F	58,944	60,000		1,056	1,056
Towner	2,014.75	P	24,177	27,000	2,823		2,823
Traill	2,317.18	P	27,806	27,000	-		-
Walsh	3,850.00	F	46,200	60,000		13,800	13,800
Ward	4,594.00	F	55,128	60,000		4,872	4,872
Wells	1,893.00	P	22,716	27,000	4,284		4,284
Williams	4,092.18	F	49,106	60,000		10,894	10,894
154,069.73	1,848,837		1,959,000		71,782	93,080	164,862

Current salaries are based on 1998 salaries from NDACo Salary Survey completed June, 1998