

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2197

2001 SENATE POLITICAL SUBDIVISIONS

SB 2197

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2197

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0-4.3
Committee Clerk Signature <i>Mary Jo Wackin</i>			

Minutes:

The committee was called to order. All was in attendance.

The hearing was called on SB2197 relating to the terms of office of members of the board of county commissioners.

SENATOR LEE: This bill was introduced in order to rectify a problem in which Cass is not the only county, I believe it affected, but we ended up having too many county commissioners for a few days because of the way the bill was drafted and we were trying to adjust the days and all that, so we ended up with an overlap. We were able to figure out a way in how to handle it, and the staff, they just didn't do a lot of serious, major controversial business during that 20 day or so stretch. That's the purpose of this to clarify the language to make sure that we have county commissioner terms ending and the new term starting again without the problem that had been generated in the last election.

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Senate Political Subdivisions Committee
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TERRY TRAYNOR: See written testimony. The reason that we did the change was primarily to reduce the lame duck period and also because the agenda of the commission meeting in January is so full, with implementing the budget and all the appointments. It was felt by the county commissioners that a December start date gave those freshmen commissioners a little better chance to get oriented on the board. That was the reason. But we did miss something when we passed that bill, two sessions ago, and that was a section of the law that this bill addresses in the 11:07:04, which deals with redistricting after a census, just like the legislature redistricts the state law requires the county commissioners review their districts or if they aren't in districts re-examine whether they should be in districts and establish those within the 10% of the population variance and the section that refers to special elections because someone got moved in their district where the district boundary changes still references the January date for taking office. Rather than run into the same problem we had before with different terms starting at different times, this bill makes it systematic to the rest of the century code and make that section regarding special elections also starting in December. I urge you to do pass. SENATOR COOK, closed the hearing on SB2197.

SENATOR WATNE moved a Do Pass on SB2197. SENATOR D. MATHERN 2nd.

8 yes, 0 no 0 Absent

Carrier: Senator Polovitz

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 2:23 p.m.

Module No: SR-13-1640
Carrier: Polovitz
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2197: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar.

2001 HOUSE POLITICAL SUBDIVISIONS

SB 2197

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2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2197

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-2-01

Tape Number	Side A	Side B	Meter #
1	xx		5200--end
1		xx	1--150
1		xx	3000--3500
Committee Clerk Signature <i>Samuel...</i>			

Minutes: Chair Froseth opened the hearing on SB2197 relating to the terms of office of members of the board of county commissioners.

Wade Williams, ND Assoc. of Counties : here in support of SB2197. Presented testimony prepared by Terry Traynor, who was called away. (SEE ATTACHED TESTIMONY)

end of Tape 1, side A, begin side B

Sen. Darlene Watne : I have an amendment I'd like the committee to look at. I got an e-mail from a state's attorney five minutes before this committee started concerning this bill. Under the Tool Chest legislation, some counties combined the county treasure and auditor position, so without this change, there will be a problem. There are so many combined positions, now. I see no problem with adding this amendment. I apologize for not talking to you, Mr. Chairman, but I did not have time. I wanted to stop a possible problem before you took action, so that's why I'm here.

Rep. Delmore : How often is this known to happen?

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House Political Subdivisions Committee
Bill/Resolution Number SB2197
Hearing Date 3-2-01

Sen. Watne: I believe it is quite rare. But if it does happen, they need to know how to deal with it.

Rep. Delmore : How do they determine which elective officer to be called in?

Sen. Watne : It would be the remaining members with the judge and the sheriff. This seemed to be the most logical for the L.C. to come up with. (end of Tape 1, side A, begin side B)

Vice-Chair Severson : Have you had time to talk with the sponsor?

Sen. Watne : No, I have not. It was 5 minutes before committee. Had no time.

Chair Froseth : Any more testimony for or against? Hearing none, we are closed.

(3000-3500) Discussion:

Rep. Delmore : I think we should ask Terry and the counties if this is O.K. with them.

Vice-Chair Severson : I can do that. **I move this amendment.**

Rep. Delmore : **I second.**

VOICE VOTE: ALL YES. PASSED.

Vice-Chair Severson : **I move a DO PASS AS AMENDED.**

Rep. Herbel : **I second.**

VOTE: 10 YES and 0 NO with 5 absent. PASSED. Vice-Chair Severson will carry.

March 1, 2001

VR
3/5/01

HOUSE AMENDMENTS to SB 2197 HOUSE POL. SUBSW 3-5-01
Page 1, line 1, after "11-07-04" insert "and section 44-02-05"

Page 1, line 2, after "commissioners" insert "and vacancies in boards of county commissioners"

Page 1, after line 20, insert:

"SECTION 2. AMENDMENT. Section 44-02-05 of the North Dakota Century Code is amended and reenacted as follows:

44-02-05. Vacancy in board of county commissioners - How filled. When a vacancy occurs in the board of county commissioners, the remaining members of the board, with the district judge ~~being~~ selected by the remaining county commissioners and after the sheriff, immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. If a majority of the officers fails to agree upon a person to fill the vacancy, the county treasurer ~~shall or, if the county does not have an elected treasurer, another elective county officer must be called in~~ and shall act as an additional member of the board to fill the vacancy. The appointee holds office until the appointee's successor is elected at the next general election and qualified."

Renumber accordingly

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2197

House POLITICAL SUBDIVISIONS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number 10461.0101 .0200

Action Taken Do Pass As Amended

Motion Made By Vice-Chair Severson Seconded By Rep. Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	AB	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore	/				
Rep. Rachael Disrud	AD				
Rep. Bruce Eckre	/				
Rep. Mary Ekstrom	AB				
Rep. April Fairfield	AB				
Rep. Michael Grosz	/				
Rep. Jane Gunter	/				
Rep. Gil Herbel	/				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niemeier	/				
Rep. Andrew G. Maragos	AD				

Total (Yes) 10 No 0

Absent 5 AB

Floor Assignment Vice-Chair Severson

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

REPORT OF STANDING COMMITTEE

SB 2197: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2197 was placed on the Sixth order on the calendar.

Page 1, line 1, after "11-07-04" insert "and section 44-02-05"

Page 1, line 2, after "commlssioners" insert "and vacancies in boards of county commissioners"

Page 1, after line 20, insert:

"SECTION 2. AMENDMENT. Section 44-02-05 of the North Dakota Century Code is amended and reenacted as follows:

44-02-05. Vacancy In board of county commissioners - How filled. When a vacancy occurs in the board of county commissioners, the remaining members of the board, with the district judge ~~erving~~ selected by the remaining county commissioners and ~~either the sheriff,~~ immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. If a majority of the officers falls to agree upon a person to fill the vacancy, the county treasurer ~~shall or, if the county does not have an elected treasurer, another elective county officer must~~ be called in and shall act as an additional member of the board to fill the vacancy. The appointee holds office until the appointee's successor is elected at the next general election and qualified."

Renumber accordingly

2001 SENATE POLITICAL SUBDIVISIONS

CONFERENCE COMMITTEE

SB 2197

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2197

Senate Political Subdivisions Committee

Conference Committee

Hearing Date March 23, 2001

Tape Number	Side A	Side B	Meter #
1	X		11.6-16.6
Committee Clerk Signature <i>Mary Jo Wocken</i>			

Minutes:

Senator Lee opened the conference committee on SB2197 with all of the senators and representatives present.

SENATOR LEE: Senator Watne, I believe had carried the original amendment this goes, so I might ask for her review, I believe, that the reason we did not concur is because of the inclusion of the word "sheriff" in making this determination. I will ask Senator Watne if she will review this correction for us please. SEN. WATNE: I think all of you realize what happened. The state's attorney asked me to put this on to Judy's bill, and Judy was gone at the time. In order to have a method to fill a vacancy on the Board of County Commissioners. At the time it came up so quickly it was drafted very quickly and I only had it for about five minutes. We wanted to check with the county commissioners through Terry Traynor and also get back to my state's attorney who had requested to be it was what they wanted. Since then, those entities have discussed that they would like to have the sheriff taken out. So my motion will be that the Senate accede to the

