

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

2245

2001 SENATE POLITICAL SUBDIVISIONS

SB 2245

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2245

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
1		x	9.4-54.0
2	x		17.5-22.0
Feb 2, 2001	1	a	3.6-6.6
Committee Clerk Signature <i>Mary Jo Wodden</i>			

Minutes:

The hearing was opened on SB2245.

SENATOR COOK introduced SB 2245 and spoke in favor of this bill. See attached testimony.

See attached document from the North Dakota Legislative Council. REPRESENTATIVE

RENNER: Cosponsor of SB2245 and favored a Do Pass on this bill. I to felt that the decision making should rest with elected public officials rather than appointed boards, however, in so

doing I didn't realize I was going to bring so many people to town from the other side of the

river. I would encourage you to ask questions and debate the issue, and give it the utmost

consideration. SENATOR TOMAC: CO-sponsorship with Representative Renner and Senator

Cook, spoke in favor of SB2245. We do have a dilemma in Mandan and not hearing what you've

stated or Representative Renner stated, I don't want to repeat that. It seems to me that we do have

a bit of problem over there. Part of our problem is in the demographics in our rural area are

shrinking. The resources we've dedicated to library services there are going to continue to

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shrink, because of the shrinking population, and so the bookmobile will be limited. Mandan is struggling to upgrade their library so as a whole, and with Mandan being a part of Morton county, we have a dilemma in the question before the voters and taxpayers of Morton County is this. Do we join forces in provide one library that can service rural areas as well as Mandan or do we continue to have separate entities? The library boards of Mandan and Morton County have not found the successful the solution to that or have not moved on it. I guess I signed on for the sponsorship of the bill, because I think it deserves some more discussion. This will really help it move forward because it doesn't require a certain vote, as it would prior to this. It is part of the way to move this forward, we needed to have more discussion on this bill. Since I've been in the legislature since 1986, we've had a lot of consolidation bills, we've looked at a lot of different avenues and approaches of how do we provide more efficient service to all of our constituents. We don't all have time to sit in on those discussions, so we all don't know what the Morton County and the Mandan Libraries Boards have discussed and what wasn't. There is a lot bigger picture sometimes than we as legislatures see, because we don't have all the information before us. I think the legislation before you does speak to a particular problem in Morton County and its one that I wish could move forward because it would be nice if we did have a library that could service the rural areas as well as the city of Mandan. TERRY TRAYNOR: Assistant Director of the Association of Counties. Spoke in support of SB2245. It is consistent with a lot of the legislation that we've supported since 1993 with the Tool Chest, with giving local boards and citizens more authority to restructure their government as they see fit. This puts more responsibility on the governing bodies of the cities and the counties I think to make these decisions and those people are locally elected. These citizens have the opportunity to address these issues at the ballot box. If they make the wrong decision, by and large, our city and county

officials are very responsive to the wishes of the citizens are and will move cautiously and make the right decision. We support this legislation. SENATOR COOK: Do we have any other boards, in county government or city government that are appointed that actually seem to have some unique autonomous authority that the board that appoints them doesn't have? TERRY TRAYNOR: Water Boards. My impression with the discussions with the county officials is of once the Water Board is appointed the county commission doesn't seem like it has a great deal of control of what they ultimately do. They have an awful lot of autonomous authority. SENATOR COOK: And these could be County Water Board? TERRY TRAYNOR: Yes, there is a lot of cases, there is a number of counties that have multiple boards depending upon the drainage, and there has been attempts in some of those counties to consolidate those into one board rather than have multiple boards and the commissions has largely been unsuccessful. SENATOR LEE: Would your observation, if you have one, about this be that the Water Boards even if they might be independent and overlapping, which in Cass County we have several, will you say they are general collaborative, however? TERRY TRAYNOR: I would say yes, that's true, by and large there out to accomplish the same goal to manage the water and they have to collaborate on a lot of projects. In most counties if they have multiple boards they also have a joint board as well. PAUL TRAMMER: Morton County Auditor. This project, looking at from Mandan and Morton Countys' problem we've studied this. For about 10 years ago we had a grant we studied it and in my own mind I guess in looking at it, I'm not, both library boards do a good job, but I think we could do a better job if we had a joint one serving all the people in Morton County. I guess we have our tax revenues coming in, a joint library board, I've noticed even though we have the book mobile going out and they don't always stop at the city libraries, everyone of the city libraries since I've been auditor have put on their own levy for their small city libraries. Looking

at a joint one with both the city and Morton County collections together, using the bookmobile to go out in service the small city libraries as well as the school districts and the other rural people, I guess it would be an advantage and a wise use of the tax money to do this way and I think as I said it always has not been in agreement. These people are opponents, I say they do a good job, but I guess it takes the elected officials to really come down and say this is what we got to do for the benefit all the people in the county. This would go a long ways to do this. Right now, I guess its kind of a funny and unique situation is that the county library is housed in the city and county building, but we pay a subsidy of \$14,000 a year to the city of Mandan and the only thing that we have in that building is the County Library. Down one block to the east of us is the City Library has a library in the old facility and they are trying to get the people to vote for a new deal, and I guess I would have to agree with the comment before is that one big election on the last library issue that went to vote for Mandan was the one number one issue of why people didn't vote in Mandan is that why can't you get the County and City library in one location. We would support that, but were not going to support it cause your two locations a block apart. That would leave it up to the elected officials and give them a chance to work out something, put together for the benefit of all the people, not all for the city of Mandan but also the rural residents in Morton county. Therefore, I urge support for SB2245. SENATOR COOK: Paul, and all the committee members too, I in explaining how this bill got started, I brought up the issue of consolidation. I would like to remind everybody though, what this bill does do is, allow a commission to make a decision. Through all of this process, how many questions have been sent to the Attorney General? Do you recall, as in trying to seek opinions on clarifying the law on how we might move forward and make some of these decisions? PAUL TRAUGER: I believe there is two or three, Senator Cook. Three, one a year. Right, and they vary from the Attorney General. You

kind of lean I limbo up there. This would get it off dead center and allow the elected officials to get together and work out agreement, a joint powers agreement on the operating level. I've been around the state for along time, there is a lot of counties and cities, that have combined their library and they seem to be able to provide people with great a great service as far as the library and stuff like that. CONNIE SPRYNCZYNATYK: League of Cities. The best way to position this deal is to say Why not? Why wouldn't you give the responsibility to make this kind of policy decision to the people that get elected to take the heat. Because people that elect them, who serve on the governing boards will hear about it. I know that you hear about the local issues in your own districts back home, so just imagine how much we hear of those of us who are elected.

Mr. Trauger mentioned the Burleigh County consortium, that's a very broad consortium. If you go down to the Veterans Library on 5th street in Bismarck, you will find computer terminals that give you access into the University of Marys' collection, the BSC collection, and into the public schools collection and the City of Mandan but not Morton County. But those that our participants in that collision, the Central Dakota Library Network. It not only encompasses here, but it has Hazen, Riverdale, Garrison, McLean and Mercer Regional Libraries, and also New Salem High School Library. Part of the system is that the book is delivered to you. You get a notice to go and pick it up. I feel kind of badly for those people who are out in the rural areas that don't have that kind of access, because there is not participation in the system. I will not testify on the bill because I think it solves one problem. The question is would it work well in any other part of the state to address any issues? Yes. It makes all the sense in the world, why not. The local governing boards are elected and they should be taking the heat. It really isn't fair to place it on the library boards, its better on appointed people. SENATOR COOK: Connie, you asked the question, why not? Immediately popped in my head I think at least three bills that I wished I

could have an appointed board that I had an appointed vote on, rather than me, but do you ever have a desire not to cast a vote on a tough issue? CONNIE SFRYNCZYNATYK: All the time. But you what, I'm now in my 23rd year in local elective office so I have a lot of flak, but also a lot of cause to celebrate. For someone who has worked on joint efforts for all of those years, we have between Bismarck, Mandan, Burleigh, Morton, we have 20 pages of cooperative agreements that are in place and working today. But we have a wonderful history of working together. We do have a problem in this area, but again I don't want this bill just to solve that problem. I think its a good idea in principal. The elected people ought to be making those policy decisions, and those ought to be carried out. DAVE MCGIVER: Spoke in support of SB2245. Bismarck/Mandan Chamber of Commerce. We stand in support of 2245. Our organization has spent number of months and years dealing with the issue in Mandan/Morton. Our local issues committee has had this issue in front of them a number of times. I think what Connie has just given you "Why Not" is the exact statement, that is an extremely appropriate statement for what we got here. Put the owness of this on the commission, let them make that decision. TOM HENDRICKS, Director of the Mandan Public Library, on behalf. I'm not hear to testify either in favor of or opposed but I would like to provide some observations that our board has made about the legislation. One is, that we feel that the Morton County Commission has always has the power to do this, whether it was in law or not. They merely had to interview people that they were appointing to the board and ask them what their philosophy on cooperative service was. I think we could have solved this problem twenty years ago if they'd done that. This provides a mechanism to provide joint library services under state law. It provides the only mechanism. I thought it was the trend these days to decentralize government, and let local entities work on developing cooperative arrangements. This doesn't permit this. If they want to provide joint

library service they do it the states way or they don't do it any way. It would be best to let local government entities to work together at a arrangements that they can come to gripes with and not only one way mandated by state law. When cooperation wants to take place it probably has a great deal with the people who were responsible for working that way. When cooperation wants to happen it will happen. It would provide some mechanism for other entities who have struggled with this issue, its not just Morton County and Mandan even though these may be the people you see today. This issue has been studied over the past number of years. SENATOR COOK: You made the comment that you felt this was a mandated state law on how consolidation might happen and rather than be facilitated at the, this entire bill here deals with the existing mandate in state law. How libraries, how counties and cities form a joint library is in state law right now, its states in state law right law that " the joint library board must be have equal representation, are you changing any of that?" TOM HENDRICKS: Yes, that's correct. SENATOR COOK: It's also understood that the only thing we are doing is adding one more tool, how a library might form a joint library. TOM HENDRICKS: And if libraries had been controlled within legislation for this year and perhaps we should've progressed ourselves to move something forward, is developing alternatives to that other mechanisms to do that. I'm glad that in your testimony you reminded us of the thesis for libraries were under funded and are still under funded and maybe that would be a topic for the next session that we could work with you on, in remedying that situation. SENATOR COOK: Tom, just for a point I agree with you there, this very committee has passed out a resolution to do just that. TOM HENDRICKS: Last week, setting the study. SENATOR LEE: I just am seeing more opportunity for local control rather than less. Senator Cook, I was wondering if this language would permit two cities as well as a county? We have the same situation at home, does it have to say or need to say political subdivisions rather than each

