

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2253

2001 SENATE POLITICAL SUBDIVISIONS

SB 2253

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2253

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	x		49.7-56.4
		x	0.0-3.3
Committee Clerk Signature <i>Mary Jo Wocken</i>			

Minutes:

The hearing was opened on SB2253, relating to the salary of city commissioners.

SENATOR LYSON : Spoke in support of this bill. Senator Lyson reviewed the bill before the Political Subdivisions Committee.

CONNIE SPRYNCHYNATYK: Director of the North Dakota League of Cities, presented written testimony from Mr. John Kautzman, Williston City Auditor. See attached testimony. After relaying this information, Connie handed out salary surveys of cities under 1,000 people and city over 1,000 people. Updates are taken every two years after a principal election has taken place. In this salary survey, we have 361 incorporated cities, ranging in size from 2 people, the city of Hoagie Mobil Park to 90,000 in Fargo with the new census. There are 29 cities that are commission cities, of those 29 cities many of them have a home rule charter, not all of them have a full home rule charter, so if they have a full home rule charter, they can set the pay at whatever, they feel, like they need to do. The reason the salary survey was provided was to assure you that

even if you were to do the very bold thing and delete all of the words in this bill after local ordinance., so in other words the pay would be set by the local ordinance executed in the city that I think that people would not go crazy and raise pay. Most of the cities are council cities, so if you really want to do something bold, I would be happy to provide amendments that would say the same thing for the council cities. Only 29 of the 361 are commission cities and all the rest are mayor/council cities or model council cities. The difference between the two are really nothing to worry about. We would certainly support this bill. We would be happy to support a further amendment that would simply make it a local decision. Some of the commission cities and council sites would like to pay according to how many meetings one attends. The reason in the smaller communities they have trouble finding people who want to serve in local office and who will take the time to do it. Sometimes, someone, gets elected by default because someone writes in a name. The council says fine, come to the meetings and participate and then you will get paid, don't come and you won't get paid. They really can't do that, because state law is so specific. Even with their home rule, they may not have a full blown home rule charter.

SENATOR LEE: I feel left out. West Fargo isn't in here. CONNIE SPRYNCZYNATYK:

Sometimes the city won't respond to the survey. We can only do so much to chase them down. The directory that we publish every other year, but that gives them essential information from all cities and we actually hire somebody every other year after a principal election to track down all the information. GREG SUND: City Administrator of Dickinson, Through our Home Rule Charter and local ordinances, we set the salary, the pay for commissioners. I really think this becomes a local issue. To continually go back to the Legislature based on what the local needs are of local people and the ability and willingness to pay I would encourage you to consider

keeping this bill just a local issue, rather than putting it in a statewide election. SENATOR COOK: That would be for support.

Hearing was closed on SB2253.

Discussion was held by committee members.

Senator Lee, I would appreciate it if Connie or our intern Mark Monasky would prepare documents which would be available for us to consider. When I read this bill before the hearing today, I just couldn't imagine that they were trying to exact dollars. It certainly is a local control issue. It would seem to me, and I would hope that we could have amendments prepared so that the committee could consider as Senator Lyson mentioned also, deleting the specific reference. Senator Watne, also if Connie could just meet with Senator Lyson and discuss all of the entities, and come up with an amendment. Connie Sprynczynatyk responded that the League of Cities has a staff attorney and along with our intern, Mr. Monasky, could draft an amendment. Senator Cook closed the hearing on SB2253 until the amendments to the bill are ready. Senator Cook responded that this does not mean this bill will be passed with the amendments.

February 1, 2001 (Tape 2, Side A Meter #10.4- 17.2)

SENATOR POLOVITZ: Was this one in a hearing? SENATOR COOK: Probably the day you were gone. SENATOR WATNE: My notes show that Connie Sprynczynatyk and Senator Lyson were to prepare an amendment for this bill. SENATOR FLAKOLL: Is this a hog house amendment or at least a piglet house? SENATOR CHRISTENSON: A big animal shelter. SENATOR LYSON: The amendments are really the bill. What this amendment really does to the bill, and I think it is a situation where local control again. Each time that the county and city commissioners or council members have to have a raise they have to come to the legislature to

2-1-01

do this. We talked about this the first we talked about the bill, this amendment says that the salaries of the commissioners will be set by ordinance, it leaves out the legislature completely. I think it is the right way to go, I don't why they need to come to the legislature to ask for a salary increase. SENATOR COOK: What do you think it is there asking us for a raise, or is our constituents trying to put limits on what they might take? SENATOR LYSON: I think this was the way to begin with when the law first went in there. But I think now that we have better communications and much wiser voters out there right now and I think they will take care of their own. If somebody wants to raise their salary to much, they won't be there long. SENATOR LEE: I think in some of these issues where there setting a cap on the mill levy or setting a cap on salaries, in some of the cases its because some of the local people or local elected officials want to blame the state for this or that happening. Frankly, you got elected, the buck ought to stop in your lap as well as mine. Particularly since this relates to city commissioners that we as legislators should not be interfering in that. That's a deal that's got to be struck between the local city commissioners and there own constituents. SENATOR POLOVITZ: We aren't dealing with county commissioners in here, just city commissioners? SENATOR COOK: City commissioners. SENATOR POLOVITZ: I agree with you, I think, first of all I don't think they should be here for us and I agree with you 100%. Secondly, the news media will take care of it. They will kill you.

Senator Mathern moved approval of the amendment SB2253.

Senator Lyson- 2nd

Roll call vote: 7 Yes 1 No 0 Absent

Senator Watne move for a Do Pass as amended

Senator Lee 2nd

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Senate Political Subdivisions Committee

Bill/Resolution Number SB 2253

Hearing Date ~~January 25, 2001~~

2-1-01

SENATOR FLAKOLL: I suppose you could question how this alters the original intent of the sponsors, but I guess since we have one of them here, then we can't.

Roll Call Vote 7 Yes 1 No 0 Absent

Carrier: Senator Mathern

FISCAL NOTE STATEMENT

Senate Bill or Resolution No. 2253

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.

John Walstad
Code Revisor

January 29, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2253

Page 1, line 1, replace "section" with "sections 40-04.1-02, 40-08-07, and"

Page 1, line 2, after "city" insert "council members and"

Page 1, replace lines 4 through 23 with:

"SECTION 1. AMENDMENT. Section 40-04.1-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-04.1-02. Compensation of council members. The members of the council ~~shall be entitled to receive~~ such compensation for their services as is fixed by ordinance, ~~but not more than the maximum provided for the members of the governing board under any other form of city government.~~

SECTION 2. AMENDMENT. Section 40-08-07 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-08-07. Compensation of council members. Each council member ~~may be~~ is entitled to receive compensation for services as established by ordinance, ~~but the compensation may not exceed the following limitations based upon the population of the city according to the latest state or federal census:~~

- ~~1. In cities not exceeding two thousand in population, sixty dollars per month.~~
- ~~2. In cities over two thousand and not exceeding six thousand in population, one hundred dollars per month.~~
- ~~3. In cities over six thousand and not exceeding thirty thousand in population, one hundred ninety five dollars per month.~~
- ~~4. In cities having a population of over thirty thousand, four hundred forty five dollars per month.~~

SECTION 3. AMENDMENT. Section 40-09-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-09-06. Style of board - Oath and salary of commissioners. The commissioners and the president of the board constitute the board of city commissioners and shall take an oath faithfully to perform the duties of their respective offices. The monthly salary of each city commissioner must be fixed by ordinance, ~~but the compensation shall not exceed the following limitations based upon the population of the city according to the latest state or federal census:~~

- ~~1. In cities not exceeding one thousand in population, fifty dollars.~~
- ~~2. In cities over one thousand and not exceeding two thousand in population, sixty dollars.~~
- ~~3. In cities over two thousand and not exceeding four thousand in population, ninety dollars.~~

4. ~~In cities over four thousand and not exceeding six thousand in population, one hundred twenty dollars.~~
5. ~~In cities over six thousand and not exceeding eight thousand in population, two hundred five dollars.~~
6. ~~In cities over eight thousand and not exceeding twelve thousand in population, two hundred seventy dollars.~~
7. ~~In cities over twelve thousand and not exceeding thirty thousand in population, three hundred ninety dollars.~~
8. ~~In cities over thirty thousand and not exceeding forty thousand in population, six hundred sixty dollars.~~
9. ~~In cities having a population of over forty thousand, eight hundred ten dollars.~~

The president of a commission may receive a salary of up to fifty percent more than the level set for each commissioner upon resolution by the board of city commissioners."

Page 2, remove lines 1 through 6

Renumber accordingly

Date: 2-01-01
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. S.B. 2253

Senate Political Subdivisions Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number 18315.0101

Action Taken Move Amendments SB 2253

Motion Made By Sen. Mathern Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Senator Cook		✓	Senator Christenson	✓	
Senator Lyson	✓		Senator Mathern	✓	
Senator Flakoll	✓		Senator Polovitz	✓	
Senator Lee	✓				
Senator Watne	✓				

Total (Yes) 7 No 1

Absent 0

Floor Assignment _____

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

Date: Jul. 1, 2001
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB. 2253

Senate Political Subdivisions Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken move No Pass as amended

Motion Made By Sen. Watne Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Cook		✓	Senator Christenson	✓	
Senator Lyson	✓		Senator Mathern	✓	
Senator Flakoll	✓		Senator Polovitz	✓	
Senator Lee	✓				
Senator Watne	✓				

Total (Yes) 7 No 1

Absent 0

Floor Assignment Sen. P. Mathern

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

