

2009 HOUSE POLITICAL SUBDIVISIONS

HB 1340

2009 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1340

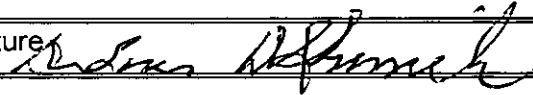
House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: February 6, 2009

Recorder Job Number: 8914

Committee Clerk Signature



Minutes:

Chairman Wrangham opened the hearing on HB 1340.

Rep. Glassheim: Introduced the bill. Passed out letters from the Mayor of Grand Forks (#1) and the Director of Bismarck-Mandan MPO (#2) and the proposed amendment (#3). The purpose of this bill is Metropolitan areas are required by the Feds; cities that are right next to other cities, are required a transportation plan like Grand Forks, East Grand Forks, Fargo-Moorhead, MPO Bismarck-Mandan. Until about a year ago the Grand Forks MPO was part of Grand Forks' transit planning. Grand Forks joined the PERS plan about a year ago. There was some question to whether the MPO employees were eligible to join the PERS plan because they were not a political subdivision and they were not specifically employed by Grand Forks. This bill was introduced to acknowledge what they do and to acknowledge political subdivisions for purposes of getting into the PERS plan.

Chairman Wrangham: This language in here is just moved from another chapter?

Rep. Glassheim: some of the language was taken from another state.

Earl Haugeland, Director of the MPO Grand Forks area: I am here to support this bill. This bill will enable us to join with the NDPERS. Bismarck-Mandan supports it and Grand Forks as well.

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Rep. Kilichowski: How many employees would this help?

Earl Haugeland: Grand Forks has four full time; Fargo-Moorhead about eight.

Rep. Zaiser: Is there a program available in Minnesota state employees as well?

Earl Haugeland: We went down that avenue about a year ago. 90% of our funding for MPO's are from ND sources so the state of Minnesota has a similar program called TERIF, but they felt since most of it was ND based it would not be covered.

Opposition: None

Neutral: None

Hearing closed.

Chairman Wrangham reopened the hearing on HB 1359.

Motion Made by Rep. Conrad to approve the amendment #.0102; Seconded By Rep. Kretschmar

Voice vote carried.

Do Pass As Amended Motion Made By Rep. Zaiser: Seconded By Rep. Jerry Kelsh:

Vote: 12 Yes 0 No 1 Absent Carrier: Rep. Kilichowski

Hearing closed.

FISCAL NOTE
Requested by Legislative Council
01/13/2009

Bill/Resolution No.: HB 1340

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2007-2009 Biennium | | 2009-2011 Biennium | | 2011-2013 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Appropriations | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

| 2007-2009 Biennium | | | 2009-2011 Biennium | | | 2011-2013 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill lays out the duties of the Metropolitan Planning Organizations (MPO). These duties are spelled out in the Code of Federal Regulations Part 23- 450.300 Subpart C. MPO's are currently part of what the Department normally funds with some of our federal funds.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This Amendment would not have a fiscal impact to the Department since MPO's funding is part of our normal federal aid program.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

| | | | |
|----------------------|---------------|-----------------------|------------|
| Name: | Dave Leftwich | Agency: | NDDOT |
| Phone Number: | 328-4334 | Date Prepared: | 01/16/2009 |

VR
2/6/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1340

Page 1, line 22, remove "1."

Page 2, line 9, replace "The process for developing such plans and programs must" with "A metropolitan planning organization is a political subdivision for purposes of chapter 54-52."

Page 2, remove lines 10 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 25

Renumber accordingly

Date: 2/6
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1340

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number - 0102

Action Taken ☐ Do Pass ☐ Do Pass ☒ Amended

Motion Made By K Conrad Seconded By Kretschmar

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------------|-----|----|-------------------------|-----|----|
| Rep. Dwight Wrangham, Chairman | | | Rep. Kari Conrad | | |
| Rep. Craig Headland, Vice Chairman | | | Rep. Jerry Kelsh | | |
| Rep. Patrick Hatlestad | | | Rep. Robert Kilichowski | | |
| Rep. Nancy Johnson | | | Rep. Corey Mock | | |
| Rep. Lawrence Klemin | | | Rep. Steve Zaiser | | |
| Rep. Kim Koppelman | | | | | |
| Rep. William Kretschmar | | | | | |
| Rep. Vonnie Pietsch | | | | | |
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Total (Yes) _____ No _____

Absent _____

Bill Carrier: _____

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

*Vonnie
Conrad*

Date: 2/6
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1340

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Pass ☒ Amended

Motion Made By S Zaman Seconded By J Kelsh

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------------|-----|----|-------------------------|-----|----|
| Rep. Dwight Wrangham, Chairman | ✓ | | Rep. Kari Conrad | ✓ | |
| Rep. Craig Headland, Vice Chairman | ✓ | | Rep. Jerry Kelsh | ✓ | |
| Rep. Patrick Hatlestad | ✓ | | Rep. Robert Kilichowski | ✓ | |
| Rep. Nancy Johnson | ✓ | | Rep. Corey Mock | ✓ | |
| Rep. Lawrence Klemin | ✓ | | Rep. Steve Zaiser | ✓ | |
| Rep. Kim Koppelman | 0 | | | | |
| Rep. William Kretschmar | ✓ | | | | |
| Rep. Vonnie Pietsch | ✓ | | | | |
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Total (Yes) 12 No 0

Absent 1

Bill Carrier: Rep Kilichowski

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

REPORT OF STANDING COMMITTEE

HB 1340: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1340 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "1."

Page 2, line 9, replace "The process for developing such plans and programs must" with "A metropolitan planning organization is a political subdivision for purposes of chapter 54-52."

Page 2, remove lines 10 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 25

Renumber accordingly

2009 SENATE POLITICAL SUBDIVISIONS

HB 1340

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1340

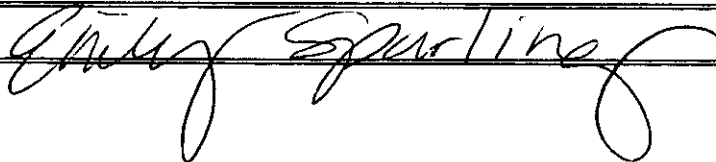
Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: 03/05/2009

Recorder Job Number: 10283

Committee Clerk Signature



Minutes:

Chairman Andrist Opened the hearing on HB 1340.

Representative Glassheim District #18. Introduced HB 1340. Explained how the Metropolitan Planning Organization (MPO) retirement plan works and how it would fit into the ND Public Employees Retirement System (PERS). PERS has no problem with adding the MPOs to the plan. See attachment #1.

Chairman Andrist Line 6 & 7 of the bill make MPOs a political subdivision so they can be eligible for PERS. Is that all this bill seeks to do?

Glassheim That is correct.

Senator Olafson Does this involve just a handful of employees?

Glassheim That is correct, a few in Fargo and a few in Grand Forks. Bismarck and Mandan are supportive of this but they do not need this plan as they have their own plan.

Senator Olafson I also believe you said that there will be no additional cost to the political subdivision?

Glassheim Yes, in Grand forks they are already covered.

Chairman Andrist Other Grand Forks and Fargo workers are not allowed to be a part of PERS?

Glassheim That is correct, without this bill those workers are not allowed to be a part of PERS.

Senator Lee Is this the easier of the solutions for Fargo and Grand Forks as opposed to doing this on a local level?

Glassheim We used to have everyone involved covered as city workers until we switched to PERS which then disqualified some workers.

Senator Dotzenrod Why are some MPOs not state/city employees?

Glassheim Explained how MPOs function.

Earl Haugen Director of MPOs. Voiced his support to 1340.

Senator Dotzenrod How are MPOs paid?

Haugen We are paid through the MPO. The majority is from federal funds through the DOT (about 80%). Our local jurisdictions contribute the other 20%. Our primary source of revenue is from federal funds but we are considered a ND entity.

Brian Reinhardt NDPERS. Provided information. We have spoken with our actuary and the attorney general's office and we can accommodate this bill with no additional costs.

Chairman Andrist Closed the hearing on HB 1340.

Senator Lee I move **Do Pass**

Senator Bakke Second

The Clerk called the roll on the motion to **Do Pass. Yes: 6, No: 0, Absent: 0.**

Senator Bakke will carry the bill.

3/5/04
Vote #: 1

1340

Committee

Legislative Council Amendment Number

☐ Amend

L. Bulke

[illegible]

①

Senator Bakke

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

REPORT OF STANDING COMMITTEE

HB 1340, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1340 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1340

**EMPLOYEE BENEFITS PROGRAMS COMMITTEE
REPORT TO THE 61ST LEGISLATIVE ASSEMBLY
REGARDING HOUSE BILL NO. 1340**

Date: January 8, 2009

Sponsor: Representative Glassheim

Proposal: Requires metropolitan planning organizations to be designated for each urbanized area of the state.

System affected: Public Employees Retirement System

Actuarial Analysis: The proposal has no actuarial cost impact.

Committee Report: Favorable recommendation.



City of Grand Forks

255 North Fourth Street - P. O. Box 5200 - Grand Forks, ND 58206-5200

OFFICE OF MAYOR
MICHAEL R. BROWN

(701) 746-2607
Fax # (701) 787-3773

February 6, 2009

House Political Subdivisions Committee
North Dakota State Legislature

Mr. Chairman and Members of the House Political Subdivision Committee:

House Bill 1340 amends Chapter 24-01 of the North Dakota Century Code to create a new section relating to Metropolitan Planning Organizations (MPO's) to allow certain MPO's in the state to be recognized as political subdivisions. The intent of which is to accept employees of the MPO's into the North Dakota Public Employees Retirement System (NDPERS).

At the request of the Grand Forks City Council, with my concurrence, I am writing to express full support of this bill and urge a DO PASS recommendation from the Committee.

Our community depends on the local MPO for a good deal of transit planning. We could not access federal transportation without their work and we work hand in hand on a number of issues. In fact, their employees are co-located with the city of Grand Forks' Planning Department in City Hall. They participated in the city's health and retirement plans until our recent move to NDPERS. HB1340 would make it possible for the MPO employees to access the benefits they formally had.

I thank you for your consideration on this matter and hope you can recommend a DO PASS on HB1340.

Sincerely,

Michael R. Brown, Mayor
City of Grand Forks

#2

Bismarck-Mandan



METROPOLITAN PLANNING ORGANIZATION

P.O. Box 5503 • 221 North 5th Street
Bismarck, North Dakota 58506
Telephone 701 355 1840
TDD Dial 711
Fax 701 222 6450
Email cobplan@state.nd.us
Web www.bismarck.org

To: House Political Subdivisions Committee
From: Carl D. Hokenstad, AICP *CDH*
Executive Director of the Bismarck-Mandan MPO
Date: February 5, 2009
Re: House Bill 1340

House Bill 1340 would amend Chapter 24-01 of the North Dakota Century Code by creating a new section relating to Metropolitan Planning Organizations (MPOs). It is our understanding that the proposed bill would allow certain MPOs in the State to be recognized as political subdivisions with the purpose of accepting their employees into the North Dakota Public Employees Retirement System (NDPERS). We are supportive of the efforts of the Fargo-Moorhead Council of Governments and the Grand Forks-East Grand Forks MPO to have their employees included in the State's retirement system.

It is also our understanding that the bill would not in any way affect the current organization of the Bismarck-Mandan MPO. The Bismarck-Mandan MPO is a division within the City of Bismarck Community Development Department and its staff are City of Bismarck employees and receive all City employee benefits.

The Bismarck-Mandan MPO would ask that you amend the bill as proposed and that you give House Bill 1340 a **do pass** recommendation.

*Handed
out -
not here!*

*Same given to
the Senate*



Fargo-Moorhead Metropolitan Council of

701.232.3242 • FAX 701.232.5043 • Case Plaza Suite 232 • One 2nd Street North • Fargo, North Dakota 58102-4807

Email: metrocof@fmmetrocog.org

<http://www.fmmetrocog.org>

March 4, 2009

Representative Eliot Glassheim
North Dakota House of Representatives

RE: Support Letter for HB 1340

Dear Representative Glassheim:

I would like to express my support for HB 1340. This bill, as amended, will designate metropolitan planning organizations in the State of North Dakota to be recognized as public entities. This would allow us to be considered public employees and participate in State of North Dakota health insurance and retirement programs. This is an important step forward as we seek to attract and keep the best employees possible to serve the citizens of North Dakota in their transportation needs.

You and the North Dakota Legislature have my sincere appreciation for being willing to pursue this step. Although we are a small group, we are enthusiastic in our job of seeing that North Dakota metropolitan areas have the best transportation system.

Sincerely,

/s/

Robert L. Bright
Executive Director

A PLANNING ORGANIZATION SERVING

FARGO, WEST FARGO, CASS COUNTY, NORTH DAKOTA AND MOORHEAD, DILWORTH, CLAY COUNTY, MINNESOTA