

# MICROFILM DIVIDER

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DESCRIPTION

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10/22/03  
Date

2003 SENATE POLITICAL SUBDIVISIONS

SB 2331

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2331

Senate Political Subdivisions Committee

Conference Committee

Hearing Date: February 6, 2003

Tape Number	Side A	Side B	Meter #
1		X	5239 - End
2	X		0 - 1577

Committee Clerk Signature

*Shirley Long*

Minutes:

CHAIRMAN COOK opened the hearing on SB 2331 relating to the expenditure of city and county funds to assist programs and activities of nonprofit organizations.

All Senators (6) in attendance.

SENATOR KRINGSTAD, District 35, Bismarck, ND, SB 2331 basically does four things per section. (1) It allows the Board of County Commissioners to establish or maintain programs or activities that assist the arts. (2) It allows the commissioners to expend funds under this section if the organization is incorporated as a nonprofit and had contracted with the board of commissioners. (3) It allows the board to review annually an organization that is eligible to receive funds. (4) The nonprofit organizations that assist the arts means organizations recognized by the North Dakota council on the arts. The council on the arts would consider to mean this as folk art, dance, theater, music and other visual arts. Senator Kringstad passed out amendments and a memorandum by the City of Bismarck. (See attached)

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*10/22/03*  
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Senate Political Subdivisions Committee

Bill/Resolution Number SB 2331

Hearing Date February 6, 2003

On removing Section 2 out of the bill as it is actually being replaced by a bill specifically written for the cities SB2320. He thinks this bill should be handled by its own identity.

**Bill Delmore**, representing the Bismarck Mandan Orchestra, appeared in support of SB 2331. It is an excellent sister bill to SB 2320. He is aware of the different types of powers and feels it is better that the two bills move as sister bills.

**Evan Lips**, citizen of Bismarck, appeared in support of SB 2331. It is a simple bill which permits the Board of County Commissioners to expend funds received from the state, county or private sources provided for the public purpose provided for in this section as long as they are recognized by the North Dakota council on the arts and are nonprofit.

**Susan Lundberg** Bismarck Mandan Symphony Orchestra spoke in support of SB 2331. (See attached testimony)

**Bill Delmore** answered questions (Tape 2, Side A, Meter # 535)

**Wade Williams**, Association of Counties, spoke in favor of SB 2331. He stated that the bill outlines what will happen as far as the arts are concerned. It spells it out that you can contract with any organization.

**Bill Wocken**, City Administrator, City of Bismarck, appeared to urge the adoption of the amendments that were proposed by the sponsor in taking section 2 of the bill out. (See attached Memorandum from Bill Wocken)

**Al Wolf**, Attorney from Wheeler Wolf Law Firm, on the Board of Bismarck Symphony Orchestra testified in support of SB 2331. People who live out in the country are not helping the City of Bismarck make contributions to these various functions and they want to be part of the process.

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Bill/Resolution Number SB 2331  
Hearing Date February 6, 2003

No testimony in opposition to SB 2331

CHAIRMAN COOK closed the hearing on SB 2331

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2331

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 14, 2003 (Action)

Tape Number	Side A	Side B	Meter #
1	X		2017 - 3130
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

CHAIRMAN COOK called the committee to order. All members were present.

CHAIRMAN COOK told the committee that there were amendments presented by Senator Kringstad, the prime sponsor of the bill which basically removes all of Section 2. This removes all language referring to cities and leaves this bill strictly a county bill.

SENATOR CHRISTENSON moved to adopt Amendments 0102 on SB 2331.

SENATOR POLOVITZ seconded the motion.

Roll call vote: Yes 5 No 1 Absent 0

Discussion:

SENATOR SYVERSON passed out amendments he received from Association of Counties. He does not see what they have to do with the bill.

SENATOR COOK said these amendments would become hog house amendments. They would take us to an entirely different section of code and simply add the language then that a county

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Bill/Resolution Number SB 2331  
Hearing Date February 14, 2003

may use funds collected under this section to contract with a nonprofit or public spirited organization to provide services to the county. Senator Cook ask if the committee wanted to move the amendments or not.

SENATOR SYVERSON answered he hasn't had any follow up with these amendments and doesn't think they want them.

SENATOR CHRISTENSON said she thinks this is what is known as muddying the waters and she would like to keep the bill as clean as possible.

SENATOR JUDY LEE sees two differences; the one that we just amended , the original bill just discusses arts organizations and the other difference is that that amendment doesn't limited to arts organizations, it goes to nonprofit and other public spirited. She would support the amendments that were just passed.

SENATOR CHRISTENSON moved a DO PASS AS AMENDED on SB 2331

SENATOR POLOVITZ seconded the motion.

Roll call Vote: Yes 4 No 2 Absent 0

Carrier: SENATOR CHRISTENSON

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10/22/03  
Date

30734.0103  
Title.

Prepared by the Legislative Council staff for  
Senator Kringstad  
February 7, 2003

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2331**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-15-10.1 of the North Dakota Century Code, relating to expenditure of funds by a county for advertising purposes.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 57-15-10.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-10.1. Counties and cities may levy for certain advertising purposes.**

1. The board of county commissioners of any county or the governing body of any city may annually levy a tax for the purpose of advertising the resources and opportunities in the county or city and promoting industrial development. The tax may not exceed the limitations in subsection 20 of section 57-15-06.7 and subsection 17 of section 57-15-10.
2. When any county or city makes the levy provided for by this section, the expenditure of the fund must be under the direction of the governing boards of the county or city.
3. A county may use funds collected under this section to contract with a nonprofit or public-spirited organization to provide services for the county.

Renumber accordingly

30734.0102  
Title.0200

Prepared by the Legislative Council staff for  
Senator Kringstad  
February 6, 2003

*JKB*  
*2-14-03*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2331

Page 1, line 1, remove "and a new section to"

Page 1, line 2, remove "chapter 40-05" and replace "city and county" with "public"

Page 1, line 11, after "from" insert "county,"

Page 1, line 18, replace "mean" with "means"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 9

Renumber accordingly

Page No. 1

30734.0102

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*Dennis D. Ballin*  
Operator's Signature

*10/22/03*  
Date





**REPORT OF STANDING COMMITTEE (410)**  
February 17, 2003 11:45 a.m.

Module No: SR-30-2900  
Carrier: Christensen  
Insert LC: 30734.0102 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2331: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.**

Page 1, line 1, remove "and a new section to"

Page 1, line 2, remove "chapter 40-05" and replace "city and county" with "public"

Page 1, line 11, after "from" insert "county,"

Page 1, line 18, replace "mean" with "means"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 9

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-30-2900

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2003 HOUSE POLITICAL SUBDIVISIONS

SB 2331

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2331

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 14, 2003

Tape Number	Side A	Side B	Meter #
1	X		9.1-41.2

Committee Clerk Signature *Micki Schmidt* 4-9-03

Minutes:

**TAPE 2: SIDE A:**

**(9.1) CHAIRMAN GLEN FROSETH:** Call the committee back to order. We'll open the hearing on SB 2331.

**(9.2) SEN. ED KRINGSTAD:** (Testimony in support) This is a Bill to create and enact a new section to chapter 11-11, relating to the expenditures of public funds to assist programs and activities of the non profit organizations. The engrossed Bill does four things: It allows the board of County Commissioners to establish and maintain programs or assist the Arts. Commissioners may extend funds under the section of the organization. If the organization is incorporated as a non profit and contracted with the Board of County Commissioners. That word "contract" is for any non profit organization as long as it is incorporated. It doesn't only pertain to the Arts. The third thing is it allows that Board to review annually an organization that is eligible to receive funds. And forth, non profit organizations that assist the Arts means that organization is

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House Political Subdivisions Committee  
Bill/Resolution Number SB 2331  
Hearing Date: March, 14, 2003

recognized by the North Dakota Council of Arts. The Council of Arts would consider to just mean folk art, dance, theater and music, these are visual arts. I presume the reason that the Bill came forward is the fire works display will fall under the visual arts area, I would hope.

**(10.8) CHAIRMAN GLEN FROSETH:** Who makes the determination of the event that would fall under the context of an Art event?

**(11.1) SEN. ED KRINGSTAD:** It would be the ones that are recognized by the North Dakota Council of Arts. It doesn't mean that it has to be just the Arts. It can be any non profit type of group that's incorporated. They can contract with the county on this line. You wouldn't even have to have the Arts in there.

**(11.8) BILL DELMORE: KELSH LAW FIRM:** (Testimony in support) (representing the Mandan-Bismarck Orchestra Association) Last summer we had an event at the Capitol Grounds, 10,000 people came. That same time we had a fire danger index so kids couldn't light fireworks and this was the one display they could come to. The City of Bismarck gave money to it, the County attempted to give \$5,000 and they couldn't do it because there was no legal activity. So that's one of the reasons for this Bill. This doesn't mean that the county has to do it. We have Sleepy Hollow, kids summer theater, that's been going on for 12 years. All this does is says you have the ability as a county to give. They have to be incorporated, they have to contract, and they have to be recognized by the North Dakota Council on the Arts, which is an enabling statute.

**(14.0) REP. WILLIAM KRETSCHMAR:** I got the idea from Sen. Kringstad that this was not going to be restricted. You could contract with any type of non profit organization?

**(14.2) BILL DELMORE:** The Association of Counties, I believe, have to have that interpretation as long as they contract.

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House Political Subdivisions Committee

Bill/Resolution Number SB 2331

Hearing Date: March, 14, 2003

**(15.2) SUSAN LUNDBERG: ARTS COUNCIL:** (Testimony in support) (See attachment #1)

**(17.7) REP. GIL HERBEL:** On line 18 it says "non profit organizations that assist the arts" means organizations recognized by the North Dakota Council of the Arts. What would be some of those?

**(17.9) SUSAN LUNDBERG:** Dakota Stage, Bismarck Art and Gallery Assoc., so you're not just a group that gets together and paints once a week, you are a recognized organization by the federal government.

**(18.4) REP. ALON WIELAND:** You represent what organization?

**(18.5) SUSAN LUNDBERG:** I am very involved in a few of them, the Bismarck-Mandan Symphony and Sleepy Hollow Theater.

**(18.6) REP. ALON WIELAND:** If this bill were to pass, then would you envision that all of these organizations will then come forth during county budget time and submit a request for a contribution of some sort?

**(18.8) SUSAN LUNDBERG:** I don't envision that because it's got to be a project, we want impact and I think the counties are going to look at that they want something needed.

**(19.3) REP. ALON WIELAND:** So you're not anticipating that each separate group such as the gallery, the symphony, or the museum. Do they have a specific project that they're doing such as the item that Delmore mentioned that happened last year. So you don't anticipate an operational request.

**(19.7) SUSAN LUNDBERG:** No. The Fourth of July is a huge event. (20.0) We have limited sources that we can go to for funds.

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House Political Subdivisions Committee

Bill/Resolution Number SB 2331

Hearing Date: March, 14, 2003

**(20.8) WADE WILLIAMS: ASSOCIATION OF COUNTIES:** (Testimony in support) When

the Attorney General issued the opinion for Burleigh County on spending the \$5,000 for the fireworks display it came back a negative response. The Association of Counties initiated several meetings with the Attorney General's office and the State's Attorney's around the state to see if we needed legislation. In that opinion, it read that we could not contact or give money to any non profits to provide a service for the county. In those discussions, we came to the conclusion that for services such as Tourism, you could give to a tourism group providing that you use the advertising funds and they would use those funds to advertise and promote their stuff. The Humane Society to provide pound service for the county. But as far as getting at the specific issue of the fire works display. I think that Burleigh County could have contracted with the county and paid for their advertising from their advertising fund. But I doubt they would have expended \$5,000 for advertising.

**(22.7) CHAIRMAN GLEN FROSETH:** What other funds could be used, just the general fund expenditures?

**(22.8) WADE WILLIAMS:** Some general funds like the Salvation Army and Social Service department.

**(23.3) CHAIRMAN GLEN FROSETH:** What are the possibilities of requests for funding? If the public objects to the county spending money on certain projects on short notice, what resource do they have? The objection will probably come after the fact.

**(23.6) WADE WILLIAMS:** It's going to be difficult for any counties, except maybe the larger ones, because they have extra funds. If you're not planning to expend something along these

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House Political Subdivisions Committee

Bill/Resolution Number SB 2331

Hearing Date: March, 14, 2003

lines, I don't see a lot of counties giving a short notice. It's going to have to go through their budget period.

**(24.5) REP. MARY EKSTROM:** Would this not disclude religious organizations?

**(24.9) WADE WILLIAMS:** I don't know how to answer that.

**(25.1) REP. GIL HERBEL:** In essence then, this would almost have to be a budgeted line item?

**(25.3) WADE WILLIAMS:** Most counties it would need to be because, as I said before they're going to be some counties that don't have extra money.

**(25.6) REP. DALE SEVERSON:** In the Bill it says "The board of county commissioners shall review annually an organization that receives funds under this section to determine the organization's eligibility to receive public funds. Do you have any idea what that eligibility would be?

**(25.9) WADE WILLIAMS:** I believe in this particular instance, it means that they need to be an approved member of the Council of the Arts.

**(26.1) REP. DALE SEVERSON:** It has nothing to do with financial support? What if they have \$20,000 in cash reserves, would that disqualify them from receiving county dollars?

**(26.2) WADE WILLIAMS:** I don't think it would, but I think the commission would take a look at them and say you can afford to pay for this.

**(26.8) AL WOLF; LOBBYIST & ATTORNEY:** (Testimony in support) The event that brought this about was the celebration on the Capitol Steps every Fourth of July. If there is a matter that is to be funded in this manner by the county. The organization that applies needs to aware of that time to go to the budgeting process at that time of the year when that application

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Bill/Resolution Number SB 2331  
Hearing Date: March, 14, 2003

takes place and then make sure that that becomes properly considered with the budgeting process of that county. Secondly if there were an occasion where something was happening in the county, would require some extraordinary activities such as a flood, then there would be enough publicity to that request to the county board so that the public would be made aware of it and the board would have to make that decision whether they want to tap some reserve funds they may have available for that purpose to expend it for that purpose. I don't think this bill would call for extraordinary or extracurricular activities by the county officials.

**(29.8) REP. GIL HERBEL:** If this were made available that it might reduce the effort in fund raising in the non profit's?

**(30.1) AL WOLF:** My reaction would be that if an organization wants to come to the county for funds, for an event or purpose, they'd better be able to produce the records that show that they have done their own homework for their own fundraising.

**(32.6) MIKE WILLIAMS: FARGO RESIDENT:** (Testimony in opposition) I'm here to speak about the unintended consequences of this bill. I think it asks more questions than it answers. Do we want the government to decide which charities to fund or do we want the individuals to make that decision? The Red River Valley Zoo is a non profit organization that was started in 1996. In August of 1995, they were voted down by 70% to fund the zoo. That next spring they had a park board, and that went down by 63%. That summer in July the park board decided that they were going to do it on their own, they were going to build this project by their private donations. The park board and the ??? got together and bought 33 acres of land for \$100 a year. They're basically subsidizing on the condition that they pay for the special assessments. That 33 acres of land is now worth \$2.9 million dollars, and they're getting that at \$100 per

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Hearing Date: March, 14, 2003

month per year per lease. And still, even with that bonus, haven't been able to make enough on their own to pay their own special assessments, which are \$80,000 a year. So that brings the city of Fargo in. Last year when the landmark came about, they asked for suggestions from the public. I made a few suggestions. If you get 53,000 visitors, if you raised your admission \$1.50 each, you'd have your \$80,000 with the profits being taken care of. If you really feel that you can't charge them that much, we could divert money from the profitable tax, but you'd have to go through the vote. The whole idea was that they didn't want to put it to a voters because they knew that they were going to get tax payor funding, because the Mayor assured them that they would find the money for it. And when we talked about enabling, that's exactly what this bill would end up doing. We've got three bills really on the floor now, #2320, #2331, and #4017, which would change the State Constitution, chapter 18 which has charitable giving requirements per giving money to the poor. In the case of the zoo in Fargo, the voters voted twice against funding for it. Now the City Commission, despite my requests for the Attorney General to do, decided to approve a TIF funding district to pay for the zoo's special assessments. That total special assessments bill is \$800,000. In a TIF district the city of Fargo's 15% of the liability for property tax. The school districts in West Fargo and Fargo get ??????? and allocating \$480,000 in West Fargo school district without any authority. They have no face on a vote and the county gets 15% of the property tax and part of their money is going to the zoo TIF district, the park boards, part of their money is going to the zoo district, the City of Fargo the 15% liability is getting to make the calls out of TIF district to fund special interests of the City Commission. That's the type of things that these type of bills will open up.

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Bill/Resolution Number SB 2331  
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(40.6) CHAIRMAN GLEN FROSETH: Further testimony in opposition? Seeing none, I will  
close the hearing on SB 2331. (41.2)

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2331a

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 14, 2003

Tape Number	Side A	Side B	Meter #
1		X	32.9-42.3
Committee Clerk Signature <i>Micki Schmidt</i>			4-11-03

Minutes:

TAPE 1, SIDE B:

**(32.9) CHAIRMAN GLEN FROSETH:** Let's look at SB 2331 again.

**(32.8) REP. ANDREW MARAGOS:** I WOULD MOVE A DO PASS.

**(33.4) REP. WILLIAM KRETSCHMAR:** I SECOND IT.

**(33.4) CHAIRMAN GLEN FROSETH:** We have an opposition on this bill from Mike Williams from Fargo in regards to allowing towns to expend money to private non profit organizations.

**(33.7) REP. GIL HERBEL:** I'm going to resist this. Mike Williams made a lot of good points as far as our museum. I have some concerns on the non profits finding it easier to not get out and raise their own funds. I've seen it happen in our community.

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Operator's Signature \_\_\_\_\_ Date 10/22/03

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House Political Subdivisions Committee  
Bill/Resolution Number SB 2331a  
Hearing Date: March 14, 2003

**(34.3) CHAIRMAN GLEN FROSETH:** One of the things I'm concerned about is where the counties are going to find the money for this. They're going to take it out of their promotions.

What are the limits on the levy?

**(34.6) WADE WILLIAMS; ASSOCIATION OF COUNTIES:** I believe it's a quarter of a mill. Advertising's separate from promotions.

**(34.8) REP. GIL HERBEL:** We passed the bill that allows a one mill to Tourism. Could they be included under this one mill?

**(35.3) WADE WILLIAMS:** I would think that a tourism site...what comes to mind is Frontier Court in Jamestown. Something like that could be funded, so yes, it could be some of these non profits that provide tourist and recreation sponsor in within a county that would qualify them to meet that mill.

**(36.1) REP. ANDREW MARAGOS:** If this is enabling legislation that would allow local control over what they think is important to be invested in. It gives the counties and local subdivisions a right to decide if they wish to promote something based on it's merits that we should have not allowed because you can not do this. Nothing happened in Fargo that was outside of code or illegal. The kids just didn't like the way it happened, if it was illegal, I'm sure they would have gone to court for it. I understand maybe his frustration, but those are decisions done at the local level and have to be dealt with in a democratic way at the local level. We have delegated this authority many times. It doesn't say they have to, but it does not say they cannot.

**(37.7) REP. WILLIAM KRETSCHMAR:** I often hear that the government closest to the people is the best and I have enough faith in the people. I see nothing wrong with giving them this authority.

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Deanna Dallen  
Operator's Signature

10/22/03  
Date

Page 3

House Political Subdivisions Committee

Bill/Resolution Number SB 2331a

Hearing Date: March 14, 2003

**(38.6) REP. CAROL NIEMIER:** I'm going to resist this as well. I think it puts extra responsibility and pressure on our County Commissioners and yet it is enabling legislation. The part of the arts and other non profits are just done privately by the people who support that particular activity and not use public funds which would be everybody's money to support those things.

**(39.3) REP. DALE SEVERSON:** Would this allow religious organizations to retrieve any money out of that?

**(39.3) WADE WILLIAMS:** No.

**(39.6) CHAIRMAN GLEN FROSETH:** We have a Do Pass motion, any more discussion? I'll have the clerk take the Roll Call Vote for a DO PASS: 5-y; 7-n; 2 absent; MOTION FAILED.

**(40.6) REP. DALE SEVERSON:** I MOVE A DO NOT PASS.

**(40.6) REP. MARY EKSTROM:** I SECOND IT.

**(40.7) CHAIRMAN GLEN FROSETH:** Any discussion? Seeing none, I'll have the clerk take the Roll Call Vote for a DO NOT PASS: 7-y; 5-n; 2-absent; Carrier: Rep. Herbel; MOTION CARRIES.

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Deanna Hall  
Operator's Signature

10/22/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2331b

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 20, 2003

Tape Number	Side A	Side B	Meter #
2	X		5.7-12.2
Committee Clerk Signature <i>Mickie Schmidt</i>			4-14-03

Minutes:

**TAPE 2; SIDE A:**

**(5.7) CHAIRMAN GLEN FROSETH:** Let' look at SB 2331 again. What I would like to do is ask the committee if they would be interested in reconsidering their action on SB 2331? This is the bill that would allow counties to establish or maintain programs and activities for the benefit of the non profit organizations that assists the arts.

**(7.6) REP. ALON WIELAND:** I was not present on the committee that day so I WOULD MOVE FOR A RECONSIDERATION ON SB 2331.

**(7.8) REP. ANDREW MARAGOS:** I SECOND IT.

**(8.3) CHAIRMAN GLEN FROSETH:** Any discussion? I'll take a VOICE VOTE ON THE RECONSIDERATION. 6-Y; 6-N; 2-absent; motion fails. (12.2)

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*Dennis Waller*  
Operator's Signature

10/22/03  
Date

Date: 3-14-03  
Roll Call Vote #: 3

*Failed*

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2331

House POLITICAL SUBDIVISION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Maragos Seconded By Rep. Kretschmar

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Rep. Mike Grosz		✓			
Rep. Gil Herbel		✓			
Rep. Ron Iverson	0				
Rep. William Kretschmar	✓				
Rep. Andrew Maragos	✓				
Rep. Dale Severson		✓			
Rep. Alon Wieland	0				
Rep. Bruce Eckre	✓				
Rep. Mary Ekstrom		✓			
Rep. Carol Niemeier		✓			
Rep. Sally Sandvig		✓			
Rep. Vonnie Pietsch		✓			

Total (Yes) 5 No 7

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

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Deanna Hallmark 10/22/03  
Operator's Signature Date

Date: 3-14-03  
Roll Call Vote #: 4

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2331

House POLITICAL SUBDIVISION Committee \_\_\_\_\_

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Rep. Severson Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth		✓			
Vice-Chairman Nancy Johnson		✓			
Rep. Mike Grosz	✓				
Rep. Gil Herbel	✓				
Rep. Ron Iverson	0				
Rep. William Kretschmar		✓			
Rep. Andrew Maragos		✓			
Rep. Dale Severson	✓				
Rep. Alon Wieland	0				
Rep. Bruce Eckre		✓			
Rep. Mary Ekstrom	✓				
Rep. Carol Niemeler	✓				
Rep. Sally Sandvig	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 7 No 5

Absent 2

Floor Assignment Rep. Herbel

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

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Deanna Ballantyne Date 10/22/03  
Operator's Signature

**REPORT OF STANDING COMMITTEE (410)**  
March 14, 2003 1:52 p.m.

Module No: HR-46-4837  
Carrier: Herbal  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
SB 2331, as engrossed: Political Subdivisions Committee (Rep. Froese, Chairman)  
recommends **DO NOT PASS (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING)**.  
Engrossed SB 2331 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-46-4837

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Deanna Hall  
Operator's Signature

10/22/03  
Date

Date: 3-20-03

Roll Call Vote #: 5

*Recommendation*  
*reconsider* *Fails*

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2331

House "POLITICAL SUBDIVISION" Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken \_\_\_\_\_

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz		✓			
Gil Herbel	✓				
Ron Iverson		✓			
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	0				
Alon Wieland	✓				
Bruce Eckre	0				
Mary Ekstrom		✓			
Carol A. Niemeier		✓			
Sally M. Sandvig		✓			
Vonnie Pietsch		✓			

Total (Yes) 6 No 6

Absent 2

Floor Assignment \_\_\_\_\_

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Deanna Wallin 10/22/03  
Operator's Signature Date

2003 TESTIMONY

SB 2331

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Deanna Hall  
Operator's Signature

10/22/03

Date

# **Bismarck** City Administration

February 5, 2003

**MEMORANDUM**

**TO: Senator Ed Kringstad**

**FROM: Bill Wocken**

**SUBJECT: SB 2320 and 2331**

Ed,

I visited with City Attorney Charlie Whitman regarding these bills this afternoon. Charlie provided the draft language for SB 2320 so he was very familiar with the subject and the section of the code. The city would prefer SB 2320 over SB 2331.

SB 2320 was written specifically for cities in that it amends only the municipal powers portion of the NDCC. It clarifies that section in that, as it is currently written, there is confusion about whether or not a city can simply provide funding for the arts or can only do so as matching funds for another source. It amends item 75 in the list of powers of a city. It eliminates the reference to "city" on line 7 because the city wouldn't likely receive money from itself. Therefore the reference is unnecessary. The language deleted in lines 9 and 10 is unnecessary because in line 6 the city has the right to appropriate whether to provide match or principal funding. I have enclosed 40-38.1 dealing in depth with municipal arts councils for your reference.

SB 2331 is written for county needs. The county is not a party to NDCC 40-38.1 so it needs to affect a different section of the NDCC. The needs of the groups are different. We definitely prefer SB 2320. To put cities into SB 2331 would set up a potential and likely real conflict with NDCC 40-05-01 which is the subject of SB 2320 and with NDCC 40-38.1.

Phone: 701-222-6471 ★ FAX: 701-222-6470 ★ 221 N. Fifth St. ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503

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Deanna Walcott  
Operator's Signature

10/22/03  
Date

TESTIMONY SUPPORT  
FOR SENATE BILL 2331

*Susan Lundberg*

before

Senate Political Subdivision Committee

Chairman Cook and Members of Committee:

We are here today to request support for Bill 2331 which gives cities and counties the discretionary ability to support nonprofit arts organizations. Arts organizations are defined as those recognized by the North Dakota Council on the Arts.

Taken on a case by case basis, this bill envisions a positive use of funds to benefit a large audience. This is for projects which directly benefit an area or community.

It has been said that:

**"Example is not the main thing in influencing people. It is the only thing."**

**Albert Schweitzer**

Government aids and envisions its citizens needs and can spark life into communities and counties. This is a government of hope. Government at its best. Like nothing else, the arts have an ability to pull people together and find similarities.

**Economic Impact: Arts and Economic Prosperity Calculator: [www.artsusa.org](http://www.artsusa.org)**

- ◆ A reason for supporting the arts is the revenue it generates. For example, modest expenditures of \$100,000 among arts organizations generate an audience impact of \$773,500 with an impact of \$873,500 for both organizations and audiences. This figure corresponds to \$27,708 in generated local taxes and \$65,710 in state taxes. Multiply that by larger figures to cover the state.
  - ◆ Consider that in 2000 in North Dakota at least 300,000 tickets were sold to art events for a value of over \$2 million. Or that over 2000 performances were offered in the arts generating attendance figures of over a million people. That's technically more than the population count in North Dakota.
- Furthermore, the Arts Mean Business:
- ◆ Arts events attract tourism to our state and according, to our communities. People travel to attend concerts, view sights, tour museums, attend concerts, and in the process, eat at restaurants, stay in hotels and generally enhance the business community. As all of us know, tourism is an important economic base of the state.
  - ◆ In the process of advertising arts events, communities are publicized as well.
  - ◆ Keeping our youth in the state: people want to live where they can be free of the hassles of metropolitan areas but still enjoy the amenities of cultured life. The arts provide this.

Again, this bill simply gives cities and counties the discretionary ability to consider funding for arts organizations. Thank you.

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*Deanna Hall*  
Operator's Signature

*10/22/03*  
Date

#1 3-14-03

Susan  
Lundberg  
Arts Council

TESTIMONY SUPPORT  
FOR SENATE BILL 2331

before

House Political Subdivision Committee

Chairman Froseth and Committee Members:

We are here today to request support for Bill 2331, which gives cities and counties the discretionary ability to support nonprofit arts organizations. Arts organizations are defined as those recognized by the North Dakota Council of the Arts.

Taken on a case by case basis, this bill envisions a positive use of funds to benefit a large audience. This is for projects which directly benefit an area or community. It has been said that:

**Example is not the main thing in influencing others. It is the only thing.**

**Albert Schweitzer**

Government aids and envisions its citizens needs and can spark life into communities and counties. This is a government of hope. Government at its best. Like nothing-else, the arts have an ability to pull people together and find similarities.

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- ◆ Consider that in 2000 in North Dakota at least 300,000 tickets were sold to art events for a value of over \$2million. Or that over 2000 performances were offered in the arts generating attendance figures of over a million people. That's technically more than the population count in North Dakota.

**Furthermore, the Arts Mean Business**

- ◆ Arts events attract tourism to our state and accordingly, to our communities. People travel to attend concerts, view sights, and tour museums and in the process, eat at restaurants, stay in hotels and generally enhance the business community. As all of us know, tourism is an important economic base of the state.
- ◆ In the process of advertising arts events, communities are publicized as well.
- ◆ Keeping our youth in the state: the fact is that people want to live where they can be free of the hassles of metropolitan areas but still enjoy the amenities of cultured life. The arts provide this.

Again, this bill simply gives cities and counties the discretionary ability to consider funding for arts organizations. Thank you.

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*Dennis Hallmark*  
Operator's signature

10/22/03

Date