

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2305

2007 SENATE POLITICAL SUBDIVISIONS

SB 2305

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2305**

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2713

Committee Clerk Signature

Shirley Borg

Minutes:

Chairman Cook called the Senate Political Subdivisions Committee to order. All members (5) present.

Chairman Cook opened the Hearing on SB 2305 relating to the membership of a special board to fix damages in county highway right of way condemnations.

Senator Connie Triplett, District 18, Grand Forks, ND, Prime Sponsor, introduced SB 2305.

This is a simple bill. It was brought to my attention by the North Dakota Association of Counties that some counties are having some difficulty putting together these boards that are required occasionally to fix damages on county right away condemnation and the current language says the board has to consist of the county auditor, county treasurer, and the recorder. Not all counties have all those positions anymore and some of them have combined positions. This bill would allow for it to just consist of the person who does the auditing plus two other officials selected by the commission.

Terry Traynor, ND Association of Counties, testified in support of SB 2305 (See attachment # 1)

No further testimony in support, opposed or neutral on SB 2305.

Chairman Cook closed the hearing on SB 2305.

Senator Hacker moved a Do Pass

Senator Warner seconded the motion.

Roll call vote: Yes 5 No 0 Absent 0

Carrier: **Senator Hacker**

REPORT OF STANDING COMMITTEE (410)
February 2, 2007 1:50 p.m.

Module No: SR-23-2008
Carrier: Hacker
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2305: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Eleventh order on the calendar.

2007 HOUSE POLITICAL SUBDIVISIONS

SB 2305

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2305

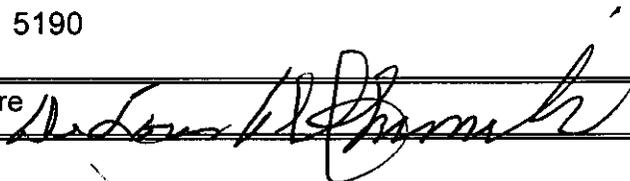
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 16, 2007

Recorder Job Number: 5190

Committee Clerk Signature



Minutes:

Chairman Herbel opened the hearing on SB 2305.

Terry Traynor, Ass't Director of ND Assoc. of Counties: (see testimony #1). Notice the tables on the handout. We have 111 fewer elected officials than we did 10 years ago. That is the reason for this bill. Needed to change the laws because some counties have consolidated and they do not have these specific members.

Rep. William Kretschmar: As I understand the county offers a certain amount for the land and they can take it through condemnation. If the land owner still objects there could be a court case.

Terry Traynor: All they are doing is establishing what the about of the property will be and if that is to be challenged, then the court ultimately decides the amount.

Chairman Herbel: How many counties have combined these offices? Do you have that information listed or with you?

Terry Traynor: Almost every county has used what is termed the "cool cat" legislation to make some changes to their offices. Most of their changes, based on the citizen's wishes, have separated and re separated the offices of the recorder and clerk of court. In most cases, it is a combination. Eddy and Foster Counties had combined their tax collector across county

lines so maybe they can share them so there is quite a variation. Legislatives need to decide what suites their counties best.

Chairman Herbel: Line 12 it say county official; what constitutes county official?

Terry Tray nor: That they are either elected or appointed to that position; they aren't hired.

Chairman Herbel: This is unusual for the sponsor not to be here and we have no other testimony in support or opposition.

Hearing closed

Chairman Herbel reopened the hearing on SB 2305.

Do Pass Motion Made By Rep. William Kretschmar; Seconded By Rep. Steve Zaiser

Rep. Nancy Johnson: Really does not change anything. Just catching up with the changing times.

Vote: 12 Yes 0 No 2 Absent Carrier: Rep. Chris Griffin

Hearing closed.

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2305**

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. William Kretschmar Seconded By Rep. Steve Zaiser

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	X		Rep. Kari Conrad	X	
Rep. Dwight Wrangham-V. Chair	X		Rep. Chris Griffin	X	
Rep. Donald Dietrich	X		Rep. Lee Kaldor	X	
Rep. Patrick Hatlestad	X		Rep. Louis Pinkerton		
Rep. Nancy Johnson	X		Rep. Steve Zaiser	X 13	
Rep. Lawrence Klemin					
Rep. Kim Koppelman	X				
Rep. William Kretschmar	X				
Rep. Vonnie Pietsch	x				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Chris Griffin

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

REPORT OF STANDING COMMITTEE (410)
March 16, 2007 12:57 p.m.

Module No: HR-50-5559
Carrier: Griffin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2305: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2305 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2305

Same given to House

**Testimony To The
SENATE POLITICAL SUBDIVISIONS COMMITTEE
Prepared February 2, 2007 by the
North Dakota Association of Counties
Terry Traynor – Assistant Director**

REGARDING SENATE BILL 2305

Thank you Chairman Cook and members of the Committee for the opportunity to provide support for SB2305, which was introduced at the request of the counties.

County government is changing, and has changed dramatically in the last 10 years. As the attached tables reflect, many of the original statutory positions have been combined within and across counties. These changes have prompted various statutory adjustments, of which SB2305 is one.

The "special board" of NDCC 24-05-10 is created to address the value placed on road right-of-way taken as part of a county road project. Its role is best understood in the context of the additional sections of law included on the back of this testimony.

It was noted by a county using this process that forming the board consistent with the exact reading of the statute is no longer possible in the many counties where two or more of the positions have been combined. Rather than provide for the possible invalidation of the process, it was felt that updating the statute was appropriate.

Mr. Chairman and committee members, we hope that you will agree and give SB2305 a "do pass" recommendation.

24-05-09. Purchase or condemnation of right of way. The board of county commissioners of any county of the state, by resolution or order, as part of the cost of constructing, reconstructing, widening, altering, changing, locating, relocating, aligning, realigning, or maintaining, any highway in said county, may purchase, acquire, take over, or condemn, under the right and power of eminent domain, for such county, any and all lands which it deems necessary for the present use, either temporary or permanent, and to provide adequate drainage in the improvement, constructing, reconstructing, widening, altering, changing, locating, relocating, aligning, realigning, or maintaining of any highways in said county, and by the same means it may acquire said lands notwithstanding the fact that the title thereto is vested in the state or any of its subdivisions. Whenever the board of county commissioners determines, by resolution or order, that the public necessity requires the taking of land as aforesaid, it shall cause said lands to be surveyed and described and a plat thereof prepared and recorded in the office of the recorder of the county wherein the same is located. The board of county commissioners, or its duly authorized agents and employees, may enter upon any land for the purpose of making such survey, examination, or test, but in case of damages to the premises the board of county commissioners forthwith shall pay to the owner of said premises the amount of such damages.

24-05-10. Damages - How ascertained - Special board.

24-05-11. Hearing before special board - Notice. Within fifteen days after the making of an order or the passing of a resolution as provided in section 24-05-10, the special board therein specified shall fix a time and place not later than thirty days from and after the passage of said order or resolution for hearing all persons or parties interested or aggrieved by such taking, and it shall cause notice of said hearing to be served upon all parties interested either by registered or certified mail or by publication thereof, once each week for two successive weeks prior to the date of hearing, stating the time and place where the hearing must be held, together with a description of the property to be appraised. Such published notice must be in lieu of all other notices, and if notice is given by registered or certified mail, the same must be served not less than ten days prior to the date of hearing. Personal service by copy of said notice may be made in lieu of publication or service by mail when made at least ten days prior to the date of hearing, such personal service to be made as a summons in district court is served. At the time and place fixed for said hearing, the special board so organized shall proceed to fix the damages to be paid by the county and any person interested may be heard.

County Officials in 1994

(Excluding Judges)

Instances		County Officials	
		Appointed	Elected
221	Elected County Commissioners		221
53	Elected Auditors		53
53	Elected Treasurers		53
53	Elected Sheriffs		53
53	Elected State's Attorneys		53
22	Combined Elected Clerk/Registers		22
31	Separately Elected Registers		31
31	Separately Elected Clerks of Court		31
53	Elected Supt. of Schools		53
37	Separately Appointed Social Service Directors	37	
7	Appointed Social Service Directors serving 16 counties	7	
53	Appointed Tax Directors	53	
		97	570

County Officials in 2004

(Excluding Judges)

Instances		County Officials	
		Appointed	Elected
221	Elected County Commissioners		221
1	Separately Appointed Auditor	1	
2	Combined Appointed Auditor/Treasurers	2	
1	Combined Appointed Auditor/Tax Director	1	
1	Combined Appointed Auditor/Treasurer/Tax Director	1	
9	Combined Elected Auditor/Treasurers		9
1	Combined Elected Auditor/Treasurers/Tax Director		1
38	Separately Elected Auditors		38
2	Separately Appointed Treasurers	2	
2	Combined Elected Treasurer/Recorders (1 with clerk duties)		2
1	Combined Elected Treasurer/Tax Director		1
35	Separately Elected Treasurers		35
4	Separately Appointed Recorders (1 with clerk duties assigned)	4	
1	Combined Appointed Recorder/Tax Director	1	
23	Elected Recorders without Clerk Duties Assigned		23
23	Elected Recorders with Clerk Duties Assigned		23
14	Separately Appointed Clerks of Court	14	
3	Separately Elected Clerks of Court		3
53	Separately Elected Sheriffs		53
47	Separately Elected State's Attorneys		47
1	Elected State's Attorney elected to serve 2 counties		1
2	Elected State's Attorneys appointed to serve neighboring county		2
46	Separately Appointed Tax Directors	46	
1	Appointed Tax Director Shared by 2 Counties	1	
24	Separately Appointed Social Service Directors	24	
12	Appointed Social Service Directors serving 29 counties	12	
22	Separately Appointed Co. Supt. of Schools	22	
4	Appointed Co. Supt. of Schools serving 2 counties each	4	
23	Co. Supt. of Schools Duties assigned to other office holder		23
11	Clerks of Court Moved to State Employment		11
		135	459
	Change in County Officials	38	-111

County Offices in 2004

Population 2000	Auditor	Treasurer	Recorder	Clerk	Co. Supt. of Schools	State	Combined With
2,593	Adams Elected	Treasurer	Comb. Elect.	Appointed	Assigned	Elected	
11,775	Barnes Elected	Auditor	Elected	Appointed	Assigned	Elected	
6,964	Benson Elected	Auditor	Comb. Elect.	Appointed	Appointed	Elected	
888	Billings Elected	Auditor	Comb. Elect.	Appointed	Shared Appt.	Elected	
7,149	Botteneau Elected	Auditor	Elected	Appointed	Shared Appt.	Elected	
3,242	Bowman Elected	Auditor	Comb. Elect.	Appointed	Shared Appt.	Elected	Slope SA
2,242	Burke Elected	Aud. & Tax	Comb. Elect.	Comb. Elect.	Assigned	Elected	
69,416	Burleigh Elected	Aud. & Tax	Elected	State Employ	Shared Appt.	Elected	
123,138	Cass Elected	Aud. & Tax	Elected	State Employ	Assigned	Elected	
4,831	Cavaller Elected	Tax Dir.	Comb. Elect.	Appointed	Assigned	Elected	
5,757	Dickey Elected	Auditor	Elected	Appointed	Assigned	Elected	
2,283	Divide Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
3,600	Dunn Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
2,757	Eddy Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
4,331	Ermonts Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
3,759	Foster Elected	Auditor	Elected	Appointed	Assigned	Elected	
1,924	Golden Valley Elected	Auditor	Comb. Elect.	Appointed	Shared Appt.	Elected	
66,109	Grand Forks Elected	Auditor	Comb. Appt.	State Employ	Appointed	Elected	
2,841	Grant Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
2,754	Griggs Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
2,715	Hettinger Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
2,753	Kidder Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
4,701	LaMoure Elected	Auditor	Elected	Appointed	Appointed	Elected	
2,308	Logan Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
5,987	McHenry Elected	Auditor	Elected	Appointed	Appointed	Elected	
3,390	McIntosh Elected	Auditor	Comb. Elect.	Comb. Elect.	Appointed	Elected	
5,737	McKenzie Elected	Auditor	Elected	Appointed	Assigned	Elected	
9,311	McLean Elected	Auditor	Comb. Elect.	Appointed	Assigned	Elected	
8,644	Mercer Elected	Auditor	Elected	Appointed	Assigned	Elected	
25,303	Morton Elected	Auditor	Elected	Appointed	Shared Appt.	Elected	
6,631	Mountrail Elected	Auditor	Elected	Appointed	Assigned	Elected	
3,715	Nelson Elected	Auditor	Clerk of Ct.	Comb. Elect.	Appointed	Elected	
2,065	Oliver Elected	Auditor	Clerk of Ct.	Comb. Elect.	Appointed	Elected	
8,583	Pembina Elected	Auditor	Clerk of Ct.	Comb. Elect.	Appointed	Elected	
4,675	Pierce Elected	Auditor	Clerk of Ct.	Elected	Appointed	Elected	
12,066	Ramsey Elected	Aud. & Tax	Elected	Appointed	Appointed	Elected	
5,890	Ransom Elected	Aud. & Tax	Comb. Elect.	Comb. Elect.	Assigned	Elected	
2,610	Renville Elected	Aud. & Tax	Appointed	State Employ	Assigned	Elected	
17,998	Richland Elected	Auditor	Elected	State Employ	Shared Appt.	Elected	
13,674	Rolette Elected	Auditor	Elected	State Employ	Assigned	Elected	
4,366	Sargent Elected	Auditor	Comb. Elect.	Comb. Elect.	Assigned	Elected	
1,710	Sheridan Elected	Auditor	Comb. Elect.	Comb. Elect.	Assigned	Elected	
4,044	Sioux Elected	Res. & Clk	Comb. Elect.	Comb. Elect.	Assigned	Elected	
767	Slope Elected	Auditor	Comb. Elect.	Comb. Elect.	Assigned	Elected	
22,636	Stark Elected	Auditor	Elected	State Employ	Assigned	Elected	
2,258	Steele Elected	Auditor	Elected	Appointed	Assigned	Elected	
21,908	Stutsman Elected	Tax Dir.	Appointed	State Employ	Assigned	Elected	
2,876	Towner Elected	Auditor	Comb. Elect.	Comb. Elect.	Assigned	Elected	
8,477	Trail Elected	Auditor	Elected	Appointed	Assigned	Elected	
12,389	Walsh Elected	Auditor	Elected	Appointed	Assigned	Elected	
58,795	Ward Elected	Auditor	Comb. Appt.	State Employ	Assigned	Elected	
5,102	Wells Elected	Recorder	Elected	Appointed	Appointed	Elected	
19,761	Williams Elected	Recorder	Comb. Elect.	Appointed	Appointed	Elected	