

2015 HOUSE EDUCATION

HB 1383

2015 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Pioneer Room, State Capitol

HB 1383
1/28/2015
22700

- Subcommittee
 Conference Committee

Committee Clerk Signature

Donna Whetham

Explanation or reason for introduction of bill/resolution:

Relating to qualified electors for purposes of school district bond elections.

Attachment # 1

Minutes:

Chairman Nathe: opened the hearing on HB 1383.

Representative Dick Anderson: District 6, introduced HB 1383. The bill sponsor intended that if there was a school bond issue and you were a property owner in that district but did not live in the district he wants the right to vote.

Rep. Hunsakor: This individual has he moved into the community, or has he always lived there or what is the situation?

Representative Anderson: He is a landowner in the district, he wants the chance to vote even if he doesn't live there.

Rep. Zubke: Is the term free holder defined someplace in the Code.

Representative Anderson: Yes it is someone who owns property or has title to the property.

Rep Olson: Would free holder be applicable to a single individual , I am thinking of a scenario where two or more shareholders own land, how would we divide up the vote?

Representative Anderson: It should just be the person who has title on the property. But there could be two names on the title. So I have questions about that too.

Rep. Dennis Johnson: Is that fair to have absentee landowners have a say in what happens in your school?

Representative Anderson: That question has been asked of how do you separate out of state from someone who lives close by? That is a good point. Someone who lives out of state would never vote for a bond issue I am sure.

Rep Ben Koppelman: If I happen to be a resident of the district, and I also own land not contiguous, would I be entitled to vote in my resident district and also vote as a free holder?

Representative Anderson: I don't know that .

Chairman Nathe: Any support for HB1383? Seeing none. Any opposition for HB 1383?

Dustin Gawrylow: North Dakota Watchdog Network, In opposition to HB 1383. We are not opposing the concept of getting input of all landowners. I am suggesting it be amended. The constitutionality of it as is would be in question. I would suggest creating a process that allow school districts to send out information to property owners let them know what the impact of the proposed bond would be. Give them a link to go online and fill out a survey. They could use a public system. They don't have to build their own but use a public input process. This is a direction to help landowners have more input into this process. That is where the bill could go in a positive direction.

Chairman Nathe: Any other opposition to HB 1383?

Jim Silrum: Deputy Secretary of State, in opposition to HB 1383 (7:20-9:91) (See Attachment #1).

Jerry Trainer: Association of Counties. In opposition to HB 1383. Our county auditors discussed this at length and they feel it is an inappropriate direction to go.

Chairman Nathe: closed the hearing on HB

Rep Kelsh: Moved Do Not Pass HB 1383.

Rep Schreiber Beck: seconded.

Rep Kelsh: This could be a slippery slope if it was allowed, they could live in California and vote here.

Chairman Nathe: this could have a huge effect on the workings up in the district and how would you divide who votes what, they could have many parcels in different names.

Rep. Olson: It can open up a lot of problems because of various owners, and sometimes on the same parcel of land.

Chairman Nathe: We have a lot of owners who own hunting land here. Then they would be making local district decisions.

Rep. Kelsh: I think our constitution guaranteed one man one vote this strays away from that.

A Roll Call Vote was taken. Yes: 11 No: 0 Absent: 2. Motion carried.

Rep. Kelsh: will carry the bill.

Date: 1-28-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1383**

House Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Kelsh Seconded By Rep. Schreiber Beck

Representatives	Yes	No	Representatives	Yes	No
Chairman Nathe	✓		Rep. Hunskor	✓	
Vice Chairman Schatz	✓		Rep. Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Mock	A	
Rep. B. Koppelman	✓				
Rep. Looyesen	✓				
Rep. Meier	A				
Rep. Olson	✓				
Rep. Rohr	✓				
Rep. Schreiber Beck	✓				
Rep. Zubke	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Kelsh

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

REPORT OF STANDING COMMITTEE

HB 1383: Education Committee (Rep. Nathe, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1383 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

HB 1383

1/28/13



ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 28, 2015

TO: Chairman Mike Nathe and the members of the House Education Committee

FR: Jim Silrum, Deputy Secretary of State

RE: HB 1383 Relating to School District Bond Elections

The Secretary of State's office understands the concept behind this bill. However, we respectfully request that the committee consider the difficulties and perhaps even impossibilities the adoption of this bill would create for election administration. Not only would these difficulties exist for school district elections held independently, but the passage of this bill would result in a significant administrative challenge for those school district elections that are consolidated with city, county, and statewide elections.

Please consider the following:

1. This bill creates two classifications of voters in all school districts:
 - a. Those who can vote for every contest in the school district because they reside in the district as is the requirement for all other elections.
 - b. Those who can only vote on the questions pertaining to bonds because they are property owners within the district, but not residents.
2. In a school district election held on its own, making sure the voter obtains the correct ballot would be challenging for the poll workers.
3. In a school district election that is consolidated with city, county, and statewide elections, the number of different ballots necessary would increase exponentially due to the fact that school district boundaries rarely correspond to the other districts involved in that election.
 - a. School district boundaries often extend into the rural areas surrounding a city.
 - b. School district boundaries often are a part of more than one county.
 - c. School district boundaries do not match up with legislative district boundaries.
 - d. The list can go on to include conflicts with fire, ambulance, soil, and water districts just to name a few.
4. What document would voters who are only "freeholders" (property owners) in the district need to produce to certify limited qualification as a bond question elector? This bill does not identify the type of acceptable documents.
5. By what criteria would the poll clerks verify the authenticity of the documents provided by the elector? The bill does not provide the necessary guidelines.
6. Every voter is to have only one record in the Central Voter File associated with the voter's residential address. If this bill is adopted, new sub-records would need to be created for every individual who owns property in the state. This would include property owners from out-of-state.

We respectfully request your consideration for a do not pass recommendation.