

1999 HOUSE POLITICAL SUBDIVISIONS

HB 1362

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1362

House Political Subdivisions Committee

Conference Committee

Hearing Date 1-28-99

Tape Number	Side A	Side B	Meter #
1		x	26.1-59.0
2	x		0.1-0.8
3	x		22.0-26.8
Committee Clerk Signature			

Minutes: BILL SUMMARY: Relating to the salaries of county officers; and provide an effective date. Chairman Froseth opened the hearing with all members present except Rep. N. Johnson. Rep. Maragos, Dist 3 : 26.1 testified in support of the bill. This bill is introduced on behalf of counties to update and modernize for the new millennium.

Mark Johnson, N.D. Assoc. of Counties : 26.9 testified in support of the bill. (See attached testimony) In order to keep the minimums and maximums appropriate for economic times, we feel the legislature needs to make adjustments. The last adjustment was made in 1991. It's time to take another look.

Rep. Glassheim : I think you may have a typo in your testimony; second paragraph should read minimum not maximum in the first line.

Mark : That is correct, that's a typo. Not all commissioners have come close to getting their maximums.

Rep. Koppelman : Do you think this increase in salaries, and passing this bill, will put a hard ship on smaller counties trying to keep pace with this.

Mark : We are trying to address that issue. If that arises, we will come back to legislature to change this, if there is a problem. 33.9

Rod Finch, McHenry County Sheriff : 34.8 testified in support of the bill. I'm the lowest paid sheriff in N.D. That's why I'm here. I went through the minimums. As elected officials we are not entitled to overtime. I'm a 20 year veteran in law enforcement and this bill will help me a little.

Rep. Delmore :38.7 Can't you negotiate your salary. We are setting minimums here.

Rod : I am in my third term. I have not received a raise in seven years. Mainly because of budget reasons. I put in for a raise every year and get denied. I thank you for the minimum.

Arlin Thompson, retired sheriff from McLean County : Every two years we would come here for salary years. I am here in support of the bill and especially part 7. I do question the county commissioners getting \$2000 increase, because they are part-time. This will raise questions in rural areas.41.0-43.0

Pat Cameron, Hettinger County Commissioner : testified in support. I have never looked to take the maximum. I sympathize with the sheriffs. 43.7-45.6

Lonnie Olson, Pres. N.D. States Attorney Assoc. : 46.0 testified in opposition to HB1362. We are concerned with the amounts of increase. The states attorney salaries have not increased since 1983. That time the judges salaries were broken off from states attorney salaries. Now the judges are \$30,000 higher. Here is the concern; when you look at the role of the prosecutor, who does the most work getting ready for trial. When you look at the stress and work load, it

doesn't make sense to pay low salaries and get quality personal. You will get bargain basement prosecution and get people right out of law school. You want top notch trial lawyers for the community, or you will have lots more people getting off with crimes. We are asking for equity.

Rep. Delmore : 54.9 Counties don't pay for their judges anymore, the state does. We can't equate the state and county level. The job varies from county to county.

Rep. Glassheim : 56.6 Can we get a list of salaries of the states attorney county by county?

Lonnie : Sen. Traynor has a copy I saw this morning at another hearing.

Vice Chair Maragos : If I understand you correctly, you want us to raise the salary to \$60,000.

Lonnie : Yes, that was introduced in SB2274 today.

Chairman Froseth : The way I read the bill, your salary is negotiable with the county commission.

Lonnie : That's true.

Hearing no more testimony in opposition, hearing was closed. Action taken same day.

ACTION: Vice Chair Maragos made a motion of DO PASS and Rep. Delmore seconded the motion. VOTE: 14 YES, 0 NO and 1 ABSENT. Rep. Ekstrom will carry the bill.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1362-B

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-4-99

Tape Number	Side A	Side B	Meter #
1		x	21.8-45.0
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: BILL SUMMARY: Relating to the salaries of county officers; and to provide an effective date. This bill was rereferred back to Political Subdivisions. Rep. Severson made a motion to reconsider 1362 and Rep. Delmore seconded the motion. Motion passed. Chairman Froseth opened the hearing.

Mark Johnson, N.D. Assoc. of Counties : 23.2 testified in support and handed out amendments and explained the amendments. (See attached testimony)

Rep. Koppelman : 40.3 There is a concern out there, that we are setting an artificial standard at the state level, which we really are. What is a fair pay check in Bismarck, may not be fair in a small rural town.

Chairman Froseth : I think these minimums are set so low, I don't think this will cause problems.

Mark : Please leave in the minimum salary, because this is the anti-tampering provision.

Page 2

House Political Subdivisions Committee

Bill/Resolution Number hb1362-B

Hearing Date 2-4-99

Rep. Glassheim : How does this work with Tool Chest, part-time or share workers in two counties?

Mark : 43.0 Good question. If a Tool Chest provision combines office, the one office ceases.

Two salaries won't happen.

ACTION: Vice Chair Maragos made a motion of DO PASS on amendments. Rep. Koppelman seconded the motion. VOICE VOTE with all yes. Motion passed. Vice Chair Maragos made a motion to DO PASS as amended and Rep. Koppelman seconded the motion.

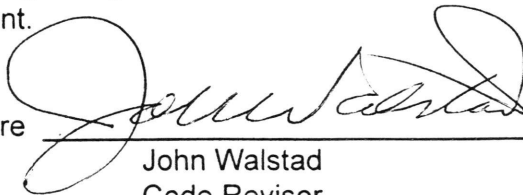
ROLL CALL VOTE: 11 YES and 3 NO with 1 ABSENT. Passed. Rep. Ekstrom will carry the bill.

FISCAL NOTE STATEMENT

House Bill or Resolution No. 1362

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.

Signature



John Walstad
Code Revisor

Please type or use black pen to complete

Date 1-28-99

Roll call vote # 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1362

House POLITICAL SUBDIVISIONS Committee

- Subcommittee on _____
- Conference Committee

} Identify or check where appropriate

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Vice Chair Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N					
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 14 0
(Yes) (No)

Absent -1-

Floor Assignment Rep. EKstrom

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)
January 28, 1999 5:49 p.m.

Module No: HR-18-1418
Carrier: Ekstrom
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1362: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1362 was placed on the Eleventh order on the calendar.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1362

Page 1, line 17, overstrike "The" and insert immediately thereafter "An elected"

Page 1, line 18, after "following" insert "minimum"

Page 2, line 24, overstrike ", with a maximum of", remove "twelve" and overstrike "thousand dollars in"

Page 2, line 25, overstrike "counties with a population in excess of ten thousand and a maximum of"

Page 2, line 26, remove "eleven" and overstrike "thousand three hundred dollars in counties with a population of ten"

Page 2, overstrike lines 27 through 31

Page 3, overstrike line 1

Page 3, line 2, overstrike "association"

Page 3, line 3, overstrike "If a board", remove "resolves", and overstrike "to pay an annual salary pursuant to this"

Page 3, overstrike line 4

Page 3, line 5, overstrike "Sheriffs", replace "are" with "An elected sheriff is", and after "following" insert "minimum"

Page 3, line 17, overstrike "State's attorneys" and insert immediately thereafter "An elected state's attorney"

Page 3, line 20, replace "are" with "is"

Page 3, line 21, after "~~forty five~~" insert "a minimum annual salary of" and overstrike ", but the county may increase that"

Page 3, line 22, overstrike "amount up to the same salary as a", remove "district", and overstrike "court judge"

Page 3, remove lines 25 through 30

Re-number accordingly

February 4, 1999

VR
2/4/99

HOUSE AMENDMENTS TO HOUSE BILL NO. 1362 2-5-99 PS

Page 1, line 2, after "of" insert "elected"

Page 1, line 6, after "of" insert "elected"

Page 1, line 7, overstrike "the" and insert immediately thereafter "an elected"

Page 1, line 17, overstrike "The" and insert immediately thereafter "An elected"

Page 1, line 18, after "following" insert "minimum"

HOUSE AMENDMENTS TO HB NO. 1362 2-5-99 PS

Page 2, line 24, overstrike ", with a maximum of", remove "twelve", and overstrike "thousand dollars in"

Page 2, line 25, overstrike "counties with a population in excess of ten thousand and a maximum of"

Page 2, line 26, remove "eleven" and overstrike "thousand three hundred dollars in counties with a population of ten"

Page 2, overstrike lines 27 through 31

HOUSE AMENDMENTS TO HB 1362 2-5-99 PS

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Page 3, line 22, overstrike "amount up to the same salary as a", remove "district", and overstrike "court judge"

Page 3, remove lines 25 through 30

Renumber accordingly

Please type or use black pen to complete

Date 2-4-99

Roll call vote # 2²

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1362

House POLITICAL SUBDIVISIONS Committee

Subcommittee on _____

Conference Committee

} Identify or check where appropriate

Legislative Council Amendment Number 90619.0102

Action Taken Do Pass as Amended

Motion Made By Rep. Maragos Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser		/
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre					
Rep. Ekstrom	/				
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N		/			
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson		/			
Rep. Thoreson, B	/				

Total 11 3
(Yes) (No)

Absent -1-

Floor Assignment Rep. Ekstrom

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE

HB 1362: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1362 was placed on the Sixth order on the calendar.

Page 1, line 2, after "of" insert "elected"

Page 1, line 6, after "of" insert "elected"

Page 1, line 7, overstrike "the" and insert immediately thereafter "an elected"

Page 1, line 17, overstrike "The" and insert immediately thereafter "An elected"

Page 1, line 18, after "following" insert "minimum"

Page 2, line 24, overstrike ", with a maximum of", remove "twelve", and overstrike "thousand dollars in"

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Page 3, line 22, overstrike "amount up to the same salary as a", remove "district", and overstrike "court judge"

Page 3, remove lines 25 through 30

Renumber accordingly

1999 SENATE POLITICAL SUBDIVISIONS


HB 1362

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HOUSE BILL 1362
Political Subdivisions Committee

Conference Committee

Hearing Date March 4, 1999

Tape Number	Side A	Side B	Meter #
1	x		1650 to end
1		x	0 to 252
Committee Clerk Signature 			

Minutes:

SENATOR LEE: open HOUSE BILL 1362

REPRESENTATIVE MARAGOS: introduce HOUSE BILL 1362, on behalf of the representative of counties, amendments to this bill.

SENATOR LEE: any questions

MARK JOHNSON : see testimony

SENATOR WATNE: combined offices and figuring out the percentage of time and adjusting the minimum amounts of time need to do their job. What are you going to do if the other bill passes and goes through state

MARK JOHNSON: counties with population with 8 thousand or less, mandated to have a shared office, clerk of court, register of deeds, combined office, amount of time is irrelevant because the offices are shared. Minimum applies too that one person in that one office. Clerks of court issue, the minimum will be obtained and the clerks of court that are in the county will be

controlled by this minimum (clerks of court). A court administrator will take control of the salary if the county commissioners wish them to do so. County elected minimum would not apply any more if this happens. Pay scale for these clerks

SENATOR KELSH: concerns over moving salary cap for county commissioners who move their salaries above what they should be.

MARK JOHNSON : should legislatures tell county commissioners what to do or should the voters tell the commissioners what to do. County Commissioners making salary hikes to themselves and found themselves not elected. Health insurance issues, and losing the election because of this. Citizens awareness of salary raising by county commissioners. Allot of commissioner's do not take the maximum.

SENATOR FLAKOLL: county commissioners giving themselves a raise and requirements of raising the salary every two years after. wrong bill

MARK JOHNSON : need to look at engrossed bill and leg. would then have to look at these salary issues, but leaving this issue up to the counties

SENATOR FLAKOLL: 100 dollars for every citizen over 8000 and determining the salary parameters

MARK JOHNSON: these would not apply after the minimum has been set

SENATOR FLAKOLL: back of green sheet and impact being so small, why do we need to put this in.

MARK JOHNSON: raise the level in which county commissioners could not ask someone to go below and then controlling this issue again by the legislature

SENATOR LEE: green sheet with summary, no limits on county commissioner or what is the maximum or minimum on the salary caps for county commissioners

MARK JOHNSON : unified association and not going in unless these salary bills are unified and wanting everyone to be together and leaving the minimums would be left out

SENATOR LEE: her choice, no bill at all, counties should be negotiating salaries

MARK JOHNSON: killing bill means legislature would go back to negotiating salaries

SENATOR LEE: wouldn't do this

SENATOR KELSH: dual standard and going below a certain population in a county that the elected county officials get less money. Aren't those people required to put in the same amount of time as the larger counties and perhaps doing more work. Set minimum difference because of population would be disservice. Legislative intent and things that should be taken under consideration when you become a county commissioner

MARK JOHNSON : Legislative intent under 11-10.01 is irrelevant under current law because the legislative intent is gone and all people should be treated the same.

SENATOR KELSH: dual pay

MARK JOHNSON Bismarck salaries are higher than in some counties and making sure that the salaries are comparable and being adjusted accordingly

SENATOR FLAKOLL: voting people out of office because of inappropriate actions

MARK JOHNSON: increases in pay by the five person board and voting an unreasonable increase by these officials and the counties input on the city commissioners setting their own salaries. Taking this act off would set no limits

SENATOR LYSON: recall elections and removing county commissioners by the Gov.

Page 4

Senate Political Subdivisions Committee
Bill/Resolution Number HOUSE BILL 1362
Hearing Date March 4, 1999

SENATOR LEE: name changes

MARK JOHNSON red envelope with amendment's,

DR. KERM LIOSTROM: raising the salaries to reflect a growing need to do so.

SENATOR LEE: any question

MARK JOHNSON talk about the amendments coming forth by REPRESENTATIVE Booucher
and this is a clean up act

SENATOR WATNE: Tribe is a separate Nations

SENATOR LEE: tribal officer would be exempt because they are not state or federal and they
are not covered by state or federal

MARK JOHNSON: don't know answer

REPRESENTATIVE FRAELICH: opposed to HOUSE BILL 1362. can't hold judge as a county
attorney and no need for a city attorney, renew contract every year

SENATOR LYSON: United states Commissioner

REPRESENTATIVE FRAELICH: an Indian affairs officer way back when

SENATOR LYSON: United States Copmmissioner

REPRESENTATIVE FRAELICH: Indian affairs officer way back in 1882, was controversial

SENATOR LYSON: could be a commissioner

REPRESENTATIVE FRAELICH: just trying to clean up this sovereign nation mix up.,
possibly, issue was brought up at the attorney generals office

SENATOR LEE: So, attorney general and the legislative council both say that this is what it's
going to take to allow a person to serve in both capacities.

REPRESENTATIVE FRAELICH: to serve as a tribal judge and a states attorney

Page 5

Senate Political Subdivisions Committee
Bill/Resolution Number HOUSE BILL 1362
Hearing Date March 4, 1999

SENATOR LEE: 1883, dakota territory law and interest and dealing with these discussions

SENATOR LEE: any questions

RENE JOCHIM: against this bill and moneys used to fund this project, see testimony
affect on the county position and not having caps on the salary, amendment added on to the
original law.

side B

SENATOR LEE: tax payers in the county and having to pay property taxes and sitting on the
county commissions

RENE JOCHIM: Devistating effect if liberal county commissioner gets into office

SENATOR LEE: I don't see this happening

SENATOR LEE: any questions for REPRESENTATIVE FRAELICH

RENE JOCHIM: souix county auditor, see testimony

SENATOR LEE: any questions

MOTION: do pass as amended

SENATOR LEE: to carry

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1362

Page 1, line 1, replace the second "and" with a comma and after "11-10-10.1" insert ", and subsection 2 of section 11-16-05"

Page 1, line 2, after "officers" insert "and restrictions on the powers of full-time state's attorneys"

Page 4, after line 5, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 11-16-05 of the North Dakota Century Code is amended and reenacted as follows:

2. Be eligible to or hold any state or federal judicial office except that of United States commissioner."

Page 4, line 6, replace "This" with "Sections 1 and 2 of this" and replace "becomes" with "become"

Renumber accordingly

Date: 3-4-99
Roll Call Vote #: 1362

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1362

Senate Political Subdivisions Committee Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment / Do pass

Motion Made By Watne Seconded By Kelsh

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)					
Senator Lyson (Vice-Chairman)					
Senator Flakoll					
Senator Watne					
Senator Kelsh					
Senator Nelson					

Total (Yes) 5 No 0

Absent Nelson

Floor Assignment Lee

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

Date: 3-4-99
Roll Call Vote #: 1

Amendments

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1362

Senate Political Subdivisions Committee Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Amended

Motion Made By Lyson Seconded By Watne

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chairman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson					

Total (Yes) 5 No 0

Absent Nelson

Floor Assignment Lee

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

REPORT OF STANDING COMMITTEE

HB 1362, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1362 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma and after "11-10-10.1" insert ", and subsection 2 of section 11-16-05"

Page 1, line 2, after "officers" insert "and restrictions on the powers of full-time state's attorneys"

Page 4, after line 5, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 11-16-05 of the North Dakota Century Code is amended and reenacted as follows:

2. Be eligible to or hold any state or federal judicial office except that of United States commissioner."

Page 4, line 6, replace "This" with "Sections 1 and 2 of this" and replace "becomes" with "become"

Renumber accordingly

1999 TESTIMONY

HB 1362

**TESTIMONY TO THE
HOUSE POLITICAL SUBDIVISIONS COMMITTEE**
Prepared January 28, 1999, by the
North Dakota Association of Counties
Mark Johnson, NDACo Executive Director

CONCERNING HOUSE BILL NO. 1362

Chairman Froseth and members of the House Political Subdivisions Committee, my name is Mark Johnson and I am the Executive Director of the North Dakota Association of Counties. I am here today on behalf county-elected officials to state our support for House Bill 1362.

Since statehood, state law has established salary ~~maximums~~^{min.} for county commissioners and salary minimums for all other county-elected officials. In order to keep these minimums and maximums appropriate to economic times, the legislature has revisited these salary standards and made adjustments as needed. The last adjustment was made in 1991, and we believe that it is once again time to make such adjustments.

I have listed on the attached sheet (Table 1) the current levels that are in state law and those proposed by House Bill 1362. In many cases, it is obvious that the proposed levels are still well below the salary a similar employee of the private sector might receive; however, it is important that the adjustments be made in such a way that any one county is not impacted to greatly by the change. The average \$2000 annual increase proposed in this bill is consistent with the change made in 1991, and as indicated by the effective date, it would not become effective until the start of the next county fiscal year. This is because any change prior to that time could create a cost not included in the calendar 1999 budgets that have already been set.

The second sheet (Table 2) shows the estimated impact the minimum salary increase would have on individual counties on an annual basis. Based on our most current salary survey data, only 7 counties would be affected by the proposed increases to the statutory minimum salaries. The adjustment for county commissioners would not mandate a change, since the change affects the maximum that a commissioner may be paid. Salary surveys of county commissioners indicate that 14 of the 53 counties are paying the current maximum.

As I mentioned earlier, the Legislature periodically has revised these salary levels; however, there currently is no adjustment to these limitations unless legislation is brought to the Legislature. To avoid the periodic revisiting of this issue, House Bill 1362 also includes a clause to adjust county salary minimums and maximums somewhat automatically every two years. The adjustments would be based on the base amounts established in the bill, with increases tied to the same percentage change appropriated by the Legislative Assembly for all full-time state employees, starting in the year 2002. This clause would allow county salaries to stay competitive without the change of a state law and the continual revisiting of these minimum and maximum salary levels. Like the immediate change, these incremental increases would only become effective at the start of the counties' next budget cycle.

In conclusion, the adjustments proposed are moderate and necessary to maintain adequate compensation for the individuals filling these important posts. By including a provision to keep these minimums and maximums growing at approved state levels, North Dakota's citizens can be assured that well qualified candidates will be attracted to these positions. Mr. Chairman and committee members, I strongly urge a Do Pass recommendation for House Bill 1362.

Table 1

**SUMMARY OF PROPOSED SALARY CHANGES
HOUSE BILL 1362**

SUBSECTION 2 – Minimum salaries for Auditors, Treasurers, County Superintendent of Schools, Register of Deeds, Clerk of District Court:

<u>COUNTY SIZE</u>	<u>CURRENT MINIMUM</u>	<u>PROPOSED MINIMUM</u>
Less than 8000	\$17,000	\$19,000
Greater than 8000 •	\$17,500	\$19,500

• Plus \$100 for every 1000 people over 8000.

SUBSECTION 4 – County Commissioner’s maximum salaries:

<u>COUNTY SIZE</u>	<u>CURRENT MINIMUM</u>	<u>PROPOSED MINIMUM</u>
Less than 10,000	\$ 9,300	\$11,300
Greater than 10,000	\$10,000	\$12,000

SUBSECTION 5 – Minimum salaries for Sheriffs:

<u>COUNTY SIZE</u>	<u>CURRENT MINIMUM</u>	<u>PROPOSED MINIMUM</u>
Less than 8000	\$19,900	\$21,900
Greater than 8000 •	\$20,900	\$22,900

• Plus \$100 for every 1000 people over 8000.

SUBSECTION 6 – Minimum salaries for County State’s Attorneys:

<u>COUNTY SIZE</u>	<u>CURRENT MINIMUM</u>	<u>PROPOSED MINIMUM</u>
Full Time	\$45,000	\$47,000
Part Time •	\$20,250*	\$21,150*

• 45 percent of full time salary.

Table 2
Total Annual Impact to Counties - All Offices
 By the Salary Increases of House Bill 1362 as Introduced

County	Annual Impact
Adams	0
Barnes	0
Benson	0
Billings	0
Bottineau	(338)
Bowman	0
Burke	0
Burleigh	0
Cass	0
Cavalier	0
Dickey	0
Divide	0
Dunn	0
Eddy	(80)
Emmons	0
Foster	0
Golden Valley	0
Grand Forks	0
Grant	(400)
Griggs	0
Hettinger	0
Kidder	0
LaMoure	0
Logan	(140)
McHenry	(216)
McIntosh	0
McKenzie	0
McLean	0
Mercer	0
Morton	0
Mountrail	0
Nelson	0
Oliver	0
Pembina	0
Pierce	0
Ramsey	0
Ransom	0
Renville	0
Richland	0
Rolette	0
Sargent	0
Sheridan	0
Sioux	0
Slope	(768)
Stark	0
Steele	0
Stutsman	0
Towner	0
Traill	0
Walsh	(800)
Ward	0
Wells	0
Williams	0
Grand Total	(2,742)

**TESTIMONY TO THE
HOUSE POLITICAL SUBDIVISIONS COMMITTEE**
Prepared February 4, 1999, by the
North Dakota Association of Counties
Mark Johnson, NDACo Executive Director

CONCERNING HOUSE BILL NO. 1362

Chairman Froseth and members of the House Political Subdivisions Committee, the North Dakota Association of Counties continues to support this bill in its entirety, however we realize that some sections may not be acceptable to the legislature at this time. We will therefore support the proposed amendments to make this important legislation more acceptable to everyone.

The proposed amendments to this bill completely remove the salary maximums for county commissioners, as well as the clause that would eliminate the need to adjust these salaries through legislative action in the future. We feel that both of these items had merit, however we recognize the philosophy of some Legislators that commissioner salaries should not be limited by the Legislative action. We also recognize the feelings about linking county salary minimums to legislation action; however we feel that providing a reasonable salary floor is essential to ensuring that newly elected officials are not treated unfairly.

We want to clearly state that changing the statutory minimums for the "other elected officials" will have virtually no impact on current county costs. The attached Table 1 indicates the 1998 statewide average salaries for these positions. In every case the average is well above the proposed minimum. Table 2 again shows the actual impact of these changes if they would have been implemented in 1998. The bill would not become effective until the year 2000; very likely no adjustments will actually be necessary due to cost

of living adjustments before that time. This is not an issue of increasing costs, but of providing some level of protection against reducing a salary to a level so unattractive that some individuals are convinced not to run for the office.

The final change in the bill is the addition of language we had intended to add at introduction. By adding the word "elected" in each section, we have made it clear that offices that have become appointed through home rule or other statutory provisions are not governed by these limitations.

While the amendments proposed remove some important points, we feel the compromise created is in the best interests of county officials. Mr. Chairman and committee members, I strongly urge a Do Pass recommendation for House Bill 1362 with the proposed amendments.

Table 1

AVERAGE ANNUAL SALARIES FOR COUNTY OFFICIALS									
Survey Years 1984 - 1998									
Compiled by the North Dakota Association of Counties									
POSITION	1984	1986	1988	1990	1992	1994	1996	1998	Increase 96-'98
Commissioner	4,728	6,024	6,096	6,636	7,296	7,584	7,668	8,088	5.48%
Auditor	18,180	20,280	20,688	22,056	23,412	25,044	26,400	28,272	7.09%
Treasurer	17,532	19,272	19,920	20,976	22,260	23,700	24,696	26,292	6.46%
Register of Deeds	17,580	19,584	19,596	21,216	22,440	24,120	24,564	25,920	5.52%
Clerk of Court	17,400	19,464	19,692	20,892	22,080	24,444	24,636	26,424	7.26%
Sheriff	19,476	21,660	22,008	23,796	25,596	27,060	28,452	30,612	7.59%
State's Attorney*	20,040	23,364	25,980	27,780	29,580	30,744	32,808	34,812	6.11%
Elected Official Avg.	18,372	20,604	21,300	22,788	24,228	25,848	26,928	28,728	6.68%
<p>Full salaried for combined clerk/registers included in averages for both positions. Supt. of Schools salaries reflect variation in the number of part-time positions.</p> <p>* Both Full and part-time salaries are averaged for these positions. The average salaries for the remaining positions have been adjusted to reflect full-time salaries paid to the individuals fulfilling the functions of this office.</p>									

**TESTIMONY TO THE
SENATE POLITICAL SUBDIVISIONS COMMITTEE**
Prepared March 4, 1999, by the
North Dakota Association of Counties
Mark Johnson, NDACo Executive Director

CONCERNING ENGROSSED HOUSE BILL NO. 1362

Chairperson Lee and members of the Senate Political Subdivisions Committee, my name is Mark Johnson and I am the Executive Director of the North Dakota Association of Counties. I am here today on behalf county elected officials to state our support for Engrossed House Bill 1362.

Since statehood, state law has established salary maximums for county commissioners and salary minimums for all other county-elected officials. In order to keep these minimums and maximums appropriate to economic times, the legislature has revisited these salary standards and made adjustments as needed. The last adjustment was made in 1991, and we believe that it is once again time to make such adjustments.

I have listed on the attached sheet (Table 1) the current levels that are in state law and those proposed by Engrossed House Bill 1362. In many cases, it is obvious that the proposed levels are still well below the salary a similar employee of the private sector might receive; however, it is important that the adjustments be made in such a way that any one county is not impacted to greatly by the change. The average \$2000 annual increase proposed in this bill is consistent with the change made in 1991, and as indicated by the effective date, it would not become effective until the start of the next county fiscal year. This is because any change prior to that time could create a cost not included in the calendar 1999 budgets that have already been set.

The second sheet (Table 2) shows that Engrossed House Bill will have virtually no impact on current county costs. Based on our most current salary survey data, only 7 counties would be affected by the proposed increases to the statutory minimum salaries. The adjustment for county commissioners would not mandate a change, since the change would remove

the maximum that a commissioner may be paid. Salary surveys of county commissioners indicate that 14 of the 53 counties are paying the current maximum.

A provision has also been placed in the engrossed bill that makes it clear that offices that have become appointed through home rule or other statutory provisions are not governed by these limitations.

Representative Boucher has also asked that an amendment be attached to this bill to clarify that a state's attorney may not also serve as a state or federal judge. The purpose of the amendment is to allow a state's attorney to serve as a tribal judge. As they would perform these functions in different jurisdictions, we don't believe this would pose a conflict and thereby support the amendment.

In conclusion, the adjustments proposed are moderate and necessary to maintain adequate compensation for the individuals filling these important posts. Madam Chair and committee members, I strongly urge a Do Pass recommendation for Engrossed House Bill 1362 with the proposed amendments.

Table 1

**SUMMARY OF PROPOSED SALARY CHANGES
ENGROSSED HOUSE BILL 1362**

SUBSECTION 2 – Minimum salaries for Auditors, Treasurers, County Superintendent of Schools, Register of Deeds, Clerk of District Court:

<u>COUNTY SIZE</u>	<u>CURRENT MINIMUM</u>	<u>PROPOSED MINIMUM</u>
Less than 8000	\$17,000	\$19,000
Greater than 8000 •	\$17,500	\$19,500

• Plus \$100 for every 1000 people over 8000.

SUBSECTION 4 – County Commissioner’s maximum salaries:

<u>COUNTY SIZE</u>	<u>CURRENT MAXIMUM</u>	<u>PROPOSED MAXIMUM</u>
Less than 10,000	\$ 9,300	NO LIMIT
Greater than 10,000	\$10,000	\$12,000

SUBSECTION 5 – Minimum salaries for Sheriffs:

<u>COUNTY SIZE</u>	<u>CURRENT MINIMUM</u>	<u>PROPOSED MINIMUM</u>
Less than 8000	\$19,900	\$21,900
Greater than 8000 •	\$20,900	\$22,900

• Plus \$100 for every 1000 people over 8000.

SUBSECTION 6 – Minimum salaries for County State’s Attorneys:

<u>COUNTY SIZE</u>	<u>CURRENT MINIMUM</u>	<u>PROPOSED MINIMUM</u>
Full Time	\$45,000	\$47,000
Part Time •	\$20,250*	\$21,150*

• 45 percent of full time salary.

TESTIMONY FOR HB 1362

Prepared by Renee Jochim

Thursday, March 4, 1999

Madam Chairman and fellow committee members.

My name is Renee Jochim. I am Sioux County Auditor. I am here at the request of the Sioux County Commissioners, Mr. Larry Silbernagel, Mr. David Volk, and Mrs. Deb Gullickson.

At our meeting on March 2, 1999, the commissioners discussed HB 1362. They have instructed me to appear before you to oppose HB 1362.

Sioux County is the 2nd poorest county in the nation. We are completely encompassed on the Standing Rock Reservation. Therefore only about one half of our county land base is taxable. We have a very limited budget. The county commissioners feel that the current law works very well in our county. At this time commissioners are not at the maximum of their potential salaries.

We feel that the current minimum salaries for elected officials works very well! Our elected officials all start at the minimum salary, but after proper training and education they are adjusted. Normally after one year they receive approximately \$20,000 per year.

With this bill, a liberal group of commissioners could set their salary at a very unreasonable rate which could send our county into fiscal turmoil. Because of our limited taxable land base, we feel that it is in the best interest of the tax payers that HB 1362 be defeated!!