

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1157

2007 HOUSE POLITICAL SUBDIVISIONS

HB 1157

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1157

House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 12, 2007

Recorder Job Number: 985, 987

Committee Clerk Signature



Minutes:

**Chairman Herbel** opened the hearing on HB 1157.

**Representative Porter:** ( See attached amendment #1). Just changes the bill to have it say this is the least amount of money that can be spent for uniforms between sheriffs and county commissioners. The other part of this amendment in section 2 talks about the uniforms that were purchased and say that they truly are the property of the county and must be returned upon termination of employment.

**Chairman Herbel** when you are talking about uniforms you are talking about the weapons and that type of thing. Are they considered part of the uniform?

**Rep. Kim Koppelman:** What is the reason for the bill?

**Representative Porter:** It did become an issue during the campaign season that was pointed out the irrelevances of the way the law was and also the bullet proof vest is equal to or more than is the ceiling. Where they then use up their allowance and there is not enough for required combat boots or pants. To clear it up it is better to have it cleared up.

**Rep. Kim Koppelman :** Is the floor something that one size fits all kind of solution where some people might not need that much.

**Pat Heinrich, Sheriff of Burleigh County :** Here in support of this bill.

**Chairman Herbel:** The way I read this bill the county commissioners shall allow the sheriff's and the sheriff's departments a uniform allowance. That would not mean that they have to give it to you unless you request it. Is that the way you read that.

**Pat Heinrich:** That is my understanding. If the sheriff's do not request it in their budgets it would not be a required item.

**Rep. Nancy Johnson:** Just to give me a dollars amount what kind of expenditure are we talking about for a first time employee?

**Pat Heinrich:** Discussed cost of all the uniform pieces required to be worn including winter coats the cost would be quite high for all the first time pieces.

**Rep. Dwight Wrangham:** I prefer the bill the way it was than the way it is amended. I see the legislature causing more problems between the sheriff's office and the county by dictating how much they have to spend and I also submit that the amount that we put in here is going to become the maximum as well as the minimum. Did you say the State Association of Sheriff's support this amendment as it is and have they considered the fact that this seems to be really tying the hands of county commissioners.

**Pat Heinrich:** The ND Sheriff's Deputy Association has come out in support of the bill as it is amended. Cass and Burleigh County does not think this bill would be an issue between the county commissioners. Rural areas were afraid if this was repealed one hundred percent they would have issues in retaining deputies. This funding is to purchase Class A uniforms for some counties and not all counties will do this, but this does put a guideline on doing this.

**Rep. Pat Hatlestad:** Who is responsible for paying for the weapon? Is that an individual thing for is that a department.

**Pat Heinrich:** That is based on county. Here in Burleigh County we provide all that equipment for each of our employees.

**Rep. Nancy Johnson:** Current law is that they are putting a cap on the amount for the uniform allowances. That is why they put in law they shall have a minimum allowance for sheriff's and deputy sheriff's uniforms.

**Jim Thorgenson: Chief Deputy of the Cass County Sheriff's Office:** Speaking in support of this bill. Our county allows \$300 a year in their uniform budget. They have indicated that new employees could use much more than that, but there are some that probably don't need much for uniform allowances each year. Winter and spring coats are very costly when they need to purchase those items.

**Rep. Dwight Wrangham:** Are there any of these items that are a safety item? Is this also for bullet proof vests?

**Jim Torgenson:** Our office last year increased our budget so we could provide new required items. In our county bullet proof vests would be a separate item having to do with gun belts and bullets and things like that.

**Rep. Nancy Johnson:** Did you say you allowance was \$300 per year?

**Jim Torgenson:** Yes, that is right.

**Rep. Nancy Johnson:** If the cost becomes more does the county commissioner allow you to purchase other items from somewhere else in the budget or do you just add it on to a budget.

**Jim Torgenson:** We have a larger county so we have that luxury, but smaller counties probably do not have this. This bill is to provide a basis for the counties that could be used to equip our officers with and be within the law.

Closed the hearing.

**Chairman Herbel reopened the hearing on HB 1157. Job #987**

**Discussion:**

**Rep. William Kretschmar:** I think Rep. Porter's amendment is a good way to go. I would not be in favor of repealing this section of the law that he proposed in the original bill. I think there should be something in our statues to provide for the uniform allowance for the sheriff departments around the state. I really like the amendments approach better than the current law because it puts a floor on them and then if the sheriff's department determines that they should need more funds they would have to get the approval from the county commissioners would have some say in the amounts above the floor.

**Chairman Herbel** if we didn't pass the amendment and we passed the bill to repeal it there could there be a conflict between the sheriff's office and the county commissioners:

**Jim Thorgenson:** I think the county commissioners like to see those numbers.

**Rep. Chris Griffin:** My preference would be to pass the bill as is just so the county can decide.

**Chairman Herbel** said he wants to be sure that we do not get into a situation where there is a conflict between the commissioners and the sheriff's department and I believe that does exist places in the state. We need to be sure that we consider do not have a problem with this.

**Rep. Dwight Wrangham** I think if there are conflicts between the sheriff's office and the commissioners we probably would contribute to this problem by setting minimum's and maximums. Given the sheriff's office is an elected office like the county commissioners are the sheriff's should have their say I am supportive that you are giving us some time to consider this bill.

Hearing closed.

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1157

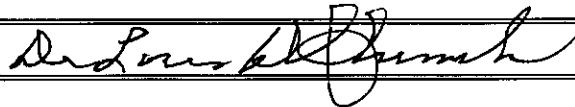
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 18, 2007

Recorder Job Number: 1398

Committee Clerk Signature



Minutes:

**Chairman Herbel** reopened the hearing on HB 1157. There was an amendment that was brought in by Rep. Porter. What it did really was hog house what we had here. It repealed that second 11-15-29 and so I reopen for a motion.

**Rep. William Kretschmar** Made a Motion to move the amendment. Rep. Vonnie Pietsch Seconded the motion. Voice vote carried the amendment.

Discussion:

**Chairman Herbel** said people that testified on the bill; the ceiling was at \$400. That buys them a winter jacket and that is about the extend of it. So there are not enough funds there to be able to outfit the sheriff and the deputy.

**Rep. Lawrence Klemin** The amendment tells the counties they must provide at least , but not less than \$500 where as before they had a maximum and maybe we repeal it maybe we should just leave it up to the discretion of the county to decide what they want to do.

**Chairman Herbel** I think that was the intend and I think that Rep. Porter's concern was that we needed to have a floor on it and then let the county commissioners decide and so they would have a minimum.

**Rep. Nancy Johnson:** Explained the bill to a county commissioner and if they had any problem with this bill to call her and they have not called back.

**Rep. Louis Pinkerton :** Talked to the Sheriff's Department in Ward County and their preference was to just repeal it and have no revision in there and their second one that they shall provide with no monetary amounts of this. They thought the numbers could cause a problem.

**Rep. Kari Conrad:** As a former county commissioner I would just say that they must provide uniforms period and the dollar amount they can talk about.

**Rep. Pat Hatlestad:** What is the definition of uniform?

**Rep. Kim Koppelman:** I would just assume if a county hired a sheriff or deputy they are going to want to provide a uniform, a gun, a vehicle and all the things they need? Obviously that is not the case or we wouldn't be dealing with this. I am wondering, what has happened before, some counties say you pay for your own? Is that why we are hearing this bill.

**Rep. Steve Zaiser :** There are a number of us that thought we should just leave it blank and let the county determine the uniform so there would be not mention of amounts.

Rep. Kari Conrad that maybe would be reasonable, except you have two elected people. The county commissioners don't hire the sheriff, the people elect the sheriff. The commissioners may not like this and so they may try and undermine their position. They are two elected groups.

**Rep. Dwight Wrangham** I think this probably arose because of some problems that the Burleigh County Sheriff had with the county commissioner. That sheriff is not here any longer. The bill was put in to delete that chapter. No one from the counties or anywhere else showed up here to testify against repealing it so I have to assume the counties don't care if we repeal



it. The sheriff's department that did show up was token testifiers. I would support repealing the section.

**Rep. Kim Koppelman:** Pulled out the statues. The section that is being repealed by the bill is 11.15.29. It says: sheriff's and full time deputies shall be allowed by the board of county commissioners in each county an amount not to exceed \$500 per person during the person's first year of service and \$350 each succeeding year. So the current law sets a maximum and the amendment sets a minimum. Question, should we be back here every two years setting a minimum. Last amended in 1981.

**Rep. Vonnie Pietsch:** Checked with Cass County and vehicles, uniforms and equipment are broke down and that is how they spend it.

**Rep. Lawrence Klemin:** Does not feel we should impose a mandate. I think it is too much micromanaging on counties. I think we should leave it up to the counties. I am thinking of voting against this bill and supporting the bill as it was originally presented.

Lots of discussion saying should leave it up to the county commissioners.

**Rep. Kim Koppelman** This statue was originally passed in 1967 and amended in 1981. Makes me wonder what happened before 1967. I assume we had sheriff's were running around before that time. I am thinking we should not be micro managing. If we were to appeal this section, as this bill calls for, this section you are talking about, even if it was a stand alone. If the sheriffs or deputies bought something of their own it would be there and if the county bought something for them it would be returned.

**Rep. Lawrence Klemin:** Is there another statue Sounds like there must have been something that says they had to return the uniforms so the dollar limit must be there.

**Rep. Steve Zaiser:** I am thinking of going along with Rep. Lawrence Klemin. I think it should be up to the county commissioners.

**Chairman Herbel:** There is something in statues that says who is going to advise the interested parties what the uniform is going to be. Should be hold the bill and get a subcommittee on it or are we going to be able to come to a consensus on it? We still have a motion in front of us and we will act on it unless it gets withdrawn. Motion made by Rep. William Kretschmar to withdrawn the motion; Rep. Vonnie Pietsch withdrew her second.

**Rep. William Kretschmar:** Third line down we should just stop there after uniform allowance. Get rid of the rest of that second.

Do Pass As Amended.#2

Motion Made By Rep. William Kretschmar Seconded by Rep. Lee Kaldor

Motion to withdraw the motion carried by voice vote.

**Chairman Herbel:** Motion will say the board of county commissioners in each county shall allow the sheriff and each sheriff's deputy a uniform allowance. Take the word allowance out of that.

**Rep. Dwight Wrangham** in doing what we are proposing to do we are doing nothing. It is already in statue that they shall supply with a uniform.

Discussion on uniforms when on and finally decided to take a vote on the last amendment.

**Chairman Herbel** outlined the amendment that: each county shall allow the sheriff and each sheriff's deputy a uniform allowance. That motion has been made and seconded. All in favor voice vote: No's have it.

Rep. Nancy Johnson made a motion leaving out the word allowance. Seconded by Rep. Donald Dietrich.

Took a roll call vote: See #3 Vote was: 11 Yes 3 No 0 Absent

Carried.

**Chairman Herbel** This now becomes the bill, right.

We now have the amended bill before us.

Motion Made by Rep. Dwight Wrangham Do Not Pass No seconded.

Do we have a recommendation for a Do Pass?

**Do Pass Motion made By Rep. Kari Conrad Seconded by Rep. Nancy Johnson**

**Rep. Kim Koppelman:** What we are doing here by adopting the amendment and making that the bill, usually we have legislative council amendments before us, but we know what we want so this is the same section goes away.

**Vote: 13 Yes 1 No 0 Absent Carrier: Rep. Nancy Johnson**

**Hearing closed.**

## FISCAL NOTE STATEMENT

House Bill or Resolution No. 1157

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.

John Walstad  
Code Revisor

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1157

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 11-15-29 and 11-15-31 of the North Dakota Century Code, relating to uniforms for sheriffs and sheriffs' deputies.

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

**SECTION 1. AMENDMENT.** Section 11-15-29 of the North Dakota Century Code is amended and reenacted as follows:

**11-15-29. Uniform allowance for sheriffs and ~~full-time deputy sheriffs~~ sheriffs' deputies.** ~~Sheriffs and full-time deputy sheriffs shall be allowed by the~~ The board of county commissioners in each county shall allow the sheriff and each sheriff's deputy a uniform allowance in an amount not to exceed less than five hundred dollars per ~~person~~ individual during that ~~person's~~ individual's first year of service and not less than three hundred fifty dollars per ~~person~~ individual each succeeding year.

**SECTION 2. AMENDMENT.** Section 11-15-31 of the North Dakota Century Code is amended and reenacted as follows:

**11-15-31. Uniform surrendered ~~when term of office ends~~ upon termination of employment.** The uniforms and parts thereof purchased by the board of county commissioners shall ~~shall~~ must be returned to the sheriff's office upon termination of employment of each sheriff and ~~full-time~~ sheriff's deputy."

Renumber accordingly





January 18, 2007

**House Amendments to HB 1157 (70384.0102) - Political Subdivisions Committee  
01/19/2007**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 11-15-29 and 11-15-31 of the North Dakota Century Code, relating to uniforms for sheriffs and sheriffs' deputies.

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Renumber accordingly



Date: 1-18-07  
Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1157

House Political Subdivisions Committee

Check here for Conference Committee

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

Action Taken No Pass As Amended #2

Motion Made By Rep Johnson Seconded By Rep. Dietrich

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

Total (Yes) 11 No 3

Absent 0

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

If the vote is on an amendment, briefly indicate intent:  
Amended Amendment Passed!

Date: 1-18-07  
Roll Call Vote #: 4

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1157

House Political Subdivisions Committee

Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Rep. Wrangham Seconded By 0

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

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

did not get a second.

Date: 1-18-07  
Roll Call Vote #: 5

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1157

House Political Subdivisions Committee

Check here for Conference Committee

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

Action Taken Do Pass as Amended

Motion Made By Rep. Conrad Seconded By Rep. Johnson

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

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. Johnson

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

Last one on Amendment.

**REPORT OF STANDING COMMITTEE**

**HB 1157: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1157 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 11-15-29 and 11-15-31 of the North Dakota Century Code, relating to uniforms for sheriffs and sheriffs' deputies.

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

**SECTION 1. AMENDMENT.** Section 11-15-29 of the North Dakota Century Code is amended and reenacted as follows:

**11-15-29. Uniform allowance for sheriffs and ~~full-time deputy sheriffs~~ sheriffs' deputies.** ~~Sheriffs and full-time deputy sheriffs shall be allowed by the~~ The board of county commissioners in each county an amount not to exceed five hundred dollars per person during that person's first year of service and three hundred fifty dollars per person each succeeding year shall provide uniforms for the sheriff and each sheriff's deputy.

**SECTION 2. AMENDMENT.** Section 11-15-31 of the North Dakota Century Code is amended and reenacted as follows:

**11-15-31. Uniform surrendered ~~when term of office ends~~ upon termination of employment.** The uniforms and parts thereof purchased by the board of county commissioners ~~shall~~ must be returned to the sheriff's office upon termination of employment of each sheriff and ~~full-time~~ sheriff's deputy."

Renumber accordingly

2007 SENATE POLITICAL SUBDIVISIONS

HB 1157

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1157

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 1, 2007

Recorder Job Number: 4157 and 4159 (Action)

Committee Clerk Signature



Minutes:

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

**Chairman Cook** opened the hearing on HB 1157 relating to uniforms for sheriffs and sheriffs' deputies.

**Representative Todd Porter**, District 34, introduced and testified in support of HB 1157. The bill is to clear up an existing situation inside the century code that talks about the uniforms for a sheriff and for a sheriffs' deputy. The way the law reads right now there is a cap. The bill was passed over to the Senate and reads that the cap was removed and it just put the specifications at that the county commission has to provide these uniforms and then it also says that the uniforms are the property of the county because the county has provided them. I don't think that the bill you have before you is enough. The amendment I am passing out to you is the same as the one I offered in the house and that changes the cap to the floor. What we want is what works best for both the sheriffs and deputies in the form of uniforms and also with the county commissions in form of being the budget writers for the sheriffs department. It is important to know that the existing law with a three hundred fifty dollar cap does not cover the uniform expenses. (Attachment #1)

**Senator Lyson**, District 1, Williston, ND, co-sponsor testified in support of HB 1157. Having been a sheriff I know about uniforms. Uniforms are not part of the gun belts, holster, or bullet proof vest, that is equipment. Uniforms are what you wear. It costs money for uniforms as you need different weight of clothing depending on the weather, so you need more than one pair of pants. I have amendments made up (Attachment #2). There are not a lot of problem in larger counties but small counties don't budget the same.

**Chairman Cook**: Do you ever give a new deputy a used uniform.

**Senator Lyson**: Absolutely, that is why we have them return them.

**Senator Warner**: Are boots part of the uniform.

**Senator Lyson**: Boots are not part of uniform, they are the responsibility of the people to buy there own. Boots are pretty much a personal thing for a person.

**Sheriff Pat Heinert**, Burleigh County Sheriff, Mandan, ND and representing the ND Sheriffs and Deputies Association testified in support of HB 1157. Our concern over the bill came from the dollar amount that was set in the original bill in reference to the maximum. We ask for a change in that and the reason we want to go to a floor instead of a ceiling is we won't have to come back.

**Chairman Cook**: What is the benefit of requiring them to return the uniforms?

**Sheriff Heinert**: The only benefit is that they are county issued so they are county owned. Ninety five percent that are returned are not used again.

No further testimony in favor, opposed or neutral to HB 1157.

Chairman Cook closed the hearing on HB 1157.

March 1, 2007 Recorder # 4159 (Action)

**Chairman Cook** : We have two sets of amendments offered.

**Senator Olafson:** Senator Lyson's amendments are less complicated.

**Senator Hacker:** They would create a floor, they are both very similar.

**Senator Hacker** moved amendment 70384.0201.

**Senator Olafson** seconded the motion.

Discussion:

Voice vote: All members (5) in favor.

**Senator Warner** moved a Do Pass as Amended.

**Senator Hacker** seconded the motion.

Discussion

Roll call vote: Yes 5 No 0 Absent 0

Carrier: **Senator Warner**



70384.0202  
Title.

Prepared by the Legislative Council staff for  
Representative Porter  
February 27, 2007

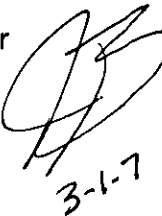
PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1157

Page 1, line 8, after "county" insert "shall allow the sheriff and each sheriff's deputy a uniform allowance in", remove the overstrike over "~~an amount not~~", after "~~exceed~~" insert "less than", remove the overstrike over "~~five hundred dollars per~~", after "person" insert "individual", and remove the overstrike over "~~during~~"

Page 1, line 9, remove the overstrike over "~~that~~", after "person's" insert "individual's", remove the overstrike over "~~first year of service and~~" and insert immediately thereafter "not less than", remove the overstrike over "~~three hundred fifty dollars per~~", after "person" insert "individual", and remove the overstrike over "~~each succeeding~~"

Page 1, line 10, remove the overstrike over "~~year~~" and remove "shall provide uniforms for the sheriff and each sheriff's deputy"

Renumber accordingly



Handwritten signature and date: 3-1-7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1157

Page 1, line 10, after "provide" insert "funding of at least three hundred fifty dollars per individual per year for" and after "deputy" insert ". The sheriff may expend the funds for uniforms as the sheriff deems necessary and is not limited to an annual amount that may be expended for each uniform or for each individual"

Renumber accordingly

