

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2310

2007 SENATE POLITICAL SUBDIVISIONS

SB 2310

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2310

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3224 & 3225

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 2310 relating to legislative authority to accept and expend donations.

Senator Bob Stenehjem, District 30, Bismarck, ND introduced SB 3224. The purpose for this bill is to be able to accept donations or gifts.

No further testimony in support, opposition or neutral on SB 2310.

Chairman Cook closed the hearing.

Recorder # 3225 February 08, 2007 (further testimony and action on SB 2310)

Chairman Cook reopened the hearing on SB 2310.

Senator O'Connell, District 6, testified in support of SB 2310. (See attachment # 1)

John Olsrud, Legislative Council, appeared to answer questions on SB 2310. It can be expended by a motion.

Senator Hacker moved a Do Pass on SB 2310.

Senator Anderson seconded the motion.

Roll call vote: Yes 5 No 0 Absent 0

Carrier: **Senator Hacker**

Date: 2-8-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2310

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Hacker Seconded By Senator Anderson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X		Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair	X		Senator John M. Warner	X	
Senator Nicholas P. Hacker	X				

Total Yes 5 No 0

Absent 0

Floor Assignment Senator Hacker

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

REPORT OF STANDING COMMITTEE

SB 2310: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Eleventh order on the calendar.

2007 HOUSE POLITICAL SUBDIVISIONS

SB 2310

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2310

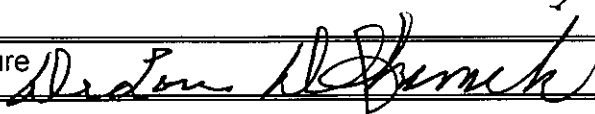
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4653, 4717

Committee Clerk Signature



Minutes:

Chairman Herbel opened the hearing on SB 2310.

John Olsrud: Director of the Legislative Counsel. Senator Stenehjem called and said he was unable to be here and he is the prime sponsor and he asked me to come. We do not normally come and explain bills unless we are asked. I am here to explain the bill. Sometime late last summer in the mail we got a check addressed to the ND State Senate for \$500 in memory of Warner Wesson, who was a State Senator from Fargo. We advised Senator Stenehjem at that time that we do not believe there is any authority to spend that money that comes to the state. We could put it into the general fund, but that would not meet the intent of the gift so we have thought about a number of things. The state itself does not have a foundation, the heritage center does, but again that would not meet the intent of the donor in this case. That we would launder the funds through the Heritage Fund Foundation or something so we just held the check so the Senator Stenehjem with the other three leaders introduced this bill. It is very specific to this kind of thing. Each house may accept donations depending on who the donation comes from. The senate committee did consider amending this to make it more flexible and for whatever reason they did not. So that is the bill.

Rep. William Kretschmar: What if the gift came to the ND Legislative Assembly?

John Olsrud: Presumably we would hold that check till the next session. Who knows, this is very unusual and I think a lot of people have the idea you can give money to government and there is even a question to whether it is tax deductible? If it is a 501C3, which I assume the Heritage Center Foundation is, if you write a check to the government or state that check should go to the general fund, subject to appropriations under the constitution. This is very specific for this kind of donation.

Rep. Nancy Johnson: Could the senate vote to donate the money to a 501b3 like a Heritage Center?

John Olsrud: The Senate could do whatever it pleased. What I would advise; we have to be aware of the intent of the donor. The check said it was for the senate; so the senate is going to have to decide what to do with the check. If they would say lets donate it to the Heritage Center, I would say I am not sure that is the intent of the donor.

Rep. Kim Koppelman: So that both the house and senate would have to approve the appropriation even though the check might be made out to one chamber or the other is that correct?

John Olsrud: Both the house and senate have to pass this bill for it to become law. If it becomes law it says upon motion of the appropriate house. It is a continuing appropriation so this money would be spent presumably this session, there would be a motion in the Senate. Any further donations would be approved by the appropriate chamber.

Rep. Kim Koppelman: It is probably not practical to hold a check for 1 ½ year because it may not be good by the time you cash it so could we somehow receive the funds and held until the next session so the motion could be made. If the motion is to receive the donation and then to appropriate it most cases it would be a stale check.

John Olsrud: I am not certain I can answer that, but I would assume if this passes in the future we would then be able to advise and say there is a mechanism if another check came we would be able to deposit that subject to the motion to the exception. But as of now there is not vehicle for us to go on.

Senator Stenehjem: Mr. Olsrud had done a good job explaining what this bill does. If it went directly to one chamber they could decide what to do with the money. Basically that is what this bill does.

Chairman Herbel: I suppose it could even be used for a memorial service in both houses a week from Monday?

Senator Stenehjem: It could be used for that if you choose to do so. In the piece of legislation our intention was just if a check came in we would have a decision on the floor of each chamber we could do that. I don't know if that is the use I would like to see but if you wanted to put a memorial plaque in there or a grave seal plaque or something we wanted to do extra for the chamber we could do it.

Senator O'Connell: (see testimony #1)

Rep. Boucher: I am in support of the intent of the family. That is why I think it is important to follow the wishes of the family. I think it is important the acknowledgement that we received this money and what was the intent of those people bequeathing the money and I don't think it should be a difficult problem, but if Senate Bill 2310 helps clear up that kind of situation I think that is the appropriate way and I would certainly recommend to this committee a do pass on this legislature and the house follows suite and does the same.

Opposition: None

Hearing closed.

Rep. William Kretschmar: I would like to offer a proposed amendment for the committee to think about.

Chairman Herbel: So we will hold the bill. We will act on it tomorrow.

Chairman Herbel reopened the hearing on SB 2310. Job #4717

Rep. William Kretschmar you were going to propose something?

Rep. William Kretschmar I don't have the amendment done, but it is not very complicated. At the beginning of the bill put "the Legislative Assembly or either house thereof may accept the donations". The current language each house of the legislative assembly, would be removed. Line 10 after the second word the insert, legislative assembly or the, and then after the word house insert thereof. That is the extent of it.

Rep. William Kretschmar moved the amendment Seconded By Rep. Kim Koppelman

Discussion: Went through it again.

Rep. Lawrence Klemin: Discussion on amendment.

Chairman Herbel: Let's just hold it until we get the language right. Rep. Kim Koppelman If you and Rep. William Kretschmar want to get together so that we cover everything that would be good. Would you withdraw the motions then and we will hang onto it.

Both motions were withdrawn.

Hearing closed.

2007 HOUSE STANDING COMMITTEE MINUTES

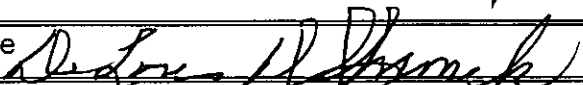
Bill No. SB 2310

House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5109

Committee Clerk Signature 

Minutes:

Chairman Herbel reopened the hearing on SB 2310. Rep. William Kretschmar

Had some amendments made up to clarify the language?

Rep. William Kretschmar presented the amendment and explained them. Rep. Lawrence

Klemin assisted me in getting the amendments right. Wanted to be sure the wording would cover any gift made to the legislative assembly.

Rep. William Kretschmar moved the amendment; Seconded By Rep. Lawrence Klemin

Discussion:

Rep. Kim Koppelman: Went over the amendment and understood it after going over it with Chairman Herbel.

Voice Vote Carried the amendment.

Do Pass As Amended Motion Made By Rep. William Kretschmar; Seconded By Rep.

Nancy Johnson

Discussion: None

Vote: 14 Yes 0 No 0 Absent Carrier: Rep. William Kretschmar

Hearing closed.

VR
3/15/07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2310

Page 1, line 7, replace "Each" with "The legislative assembly or either"

Page 1, line 8, replace "from a member or former member," with "as a donation"

Page 1, remove line 9

Page 1, line 10, remove "former member of the legislative assembly" and after the second "the"
insert "legislative assembly by concurrent resolution or the"

Page 1, line 12, after the first "the" insert "concurrent resolution or"

Renumber accordingly

Date: 3-8-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2310

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Moved Demand

Motion Made By Kretschmar Seconded By Klemin

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:

Date: 3-15-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2310

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. William Kretschmar Seconded By Rep. Nancy Johnson

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	X	
Rep. Nancy Johnson	X		Rep. Steve Zaiser	X	
Rep. Lawrence Klemin	X				
Rep. Kim Koppelman	X				
Rep. William Kretschmar	X				
Rep. Vonnie Pietsch	x				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. William Kretschmar

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

REPORT OF STANDING COMMITTEE

SB 2310: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "Each" with "The legislative assembly or either"

Page 1, line 8, replace "from a member or former member," with "as a donation"

Page 1, remove line 9

Page 1, line 10, remove "former member of the legislative assembly" and after the second "the" insert "legislative assembly by concurrent resolution or the"

Page 1, line 12, after the first "the" insert "concurrent resolution or"

Renumber accordingly

2007 TESTIMONY

SB 2310

SB 2310 Summary

Senator David P. O'Connell

*Same
testimony
given to
House*

SB 2310 allows the legislative authority to accept and expend donations; to provide a continuing appropriation; and to declare an emergency.

Each house in the legislative assembly may accept funding donations.

Funds received from a member or former member, the estate of a member or former member or as a memorial in the name of a member or a former member of the legislative assembly may be expended by the appropriate house upon motion.

All funds under this section are appropriated as a continuing appropriation for the purposes contained in the motion approving the expenditure of the funds.