

2013 HOUSE POLITICAL SUBDIVISIONS

HB 1177

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1177
January 24, 2013
Job # 17714

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to compensation of members of political subdivision boards and committees.

Minutes:

Testimony #1, #2

Chairman N. Johnson opened the hearing on HB 1177.

Rep. Drovdal: I am the prime sponsor of this bill. ND is well known for our generosity and our involvement, dedication and our service. In the past we have always been able to find people to serve their community, but times have changed. We have two family incomes and they don't have a lot of time anymore. So we are finding, especially in the western part of the state and throughout the state we are finding it harder and harder to get individuals that are willing to serve on the many boards that the cities and counties need. A lot of these boards are restricted and only are paying per diem for serving on them. It is getting so difficult to get members to do this so this bill allows the county commissioners at their discursion to be able to pay a per diem up to a state level in order to get people to serve on the various committees. That is simply what this bill does.

Rep. J. Kelsh: Who is the appointing authority?

Rep. Drovdal: I would think it is the person in charge, but you can ask the experts that are coming in behind me.

Terry Traynor, Association of Counties: (See testimony #1). We urge a do pass recommendation.

Rep. Koppelman: On page 5, line 15 it is talking about housing authorities in cities and it says the mayor shall appoint five persons as commissioners; if you then say the appointing authority sets their pay. Shall we look at the bill closer to be sure there is a board or commission authority for that?

Terry Traynor: We can go through it again and take a look at that and that is something we feel is a question. We noted that particular one. The League of Cities felt they already had that authority in the city anyway. Yes we can.

Rep. Koppelman: Do mayors if they have an appointing authority also have the authority to set pay and set reimbursement rates?

Terry Traynor: Through their budget process when they pass an ordinance they include the compensation and that suffices so that becomes a board decision.

Rep. Hatlestad: This bill will only apply to county commissioners?

Terry Traynor: That is my understanding is if that board is created by the city they have the authority already.

Roger Chinn, President, ND Association of Counties, and McKenzie County Commissioner: (See testimony #2). Our planning and zoning board meets twice a month. They meet the other night from 5:00 PM to 10:00PM and they had somewhere from 60 and 70 individuals in attendance.

Opposition: None

Neutral: None

Hearing closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1177
January 25, 2013
Job # 17751

Conference Committee

Committee Clerk Signature



(Proposed amend. #1)

Minutes:

Chairman N. Johnson reopened the hearing on HB 1177. That is the compensation bill for county or city appointed commissions and boards. On page 5 we had a question about line 15 the mayor shall appoint five persons as commissioners of the authority. This is current law and it gives the mayor authority to appoint. Then we drop down to line 30 and it says the appointing authority shall establish the rate of the compensation. That would then be the mayor so it would be one individual making the determination on compensation. The amendment that was just proposed changes appointing authority with governing body of the city or county.

Rep. Koppelman: That was the change I suggested the day we had the hearing and Mr. Traynor sent an email. Is this the same amendment he was proposing?

Chairman N. Johnson: I did get this from Terry Traynor. Did it accomplish what we wanted to do so not a single person makes the decision?

Rep. Koppelman Made a Motion to Move the amendment; Seconded by Rep. Toman:

Voice Vote Carried.

Do Pass As Amended by Rep. Hatlestad: Seconded by Rep. Beadle:

Chairman N. Johnson: I think the county commissions are probably looking forward to this so they can make the determination.

Vote: 13 Yes 0 No 2 Absent Carrier: Rep. Hatlestad:

Closed

13.0519.01001
Title.02000

Adopted by the Political Subdivisions
Committee

January 25, 2013

*1/25/13
JMP*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1177

Page 5, line 30, replace "appointing authority" with "governing body of the city or county"

Renumber accordingly

Date: 1-25-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1177

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Koppelman Seconded By Rep. Toman

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Ben Hanson		
Vice Chairman Patrick Hatlestad			Rep. Kathy Hogan		
Rep. Thomas Beadle			Rep. Jerry Kelsh		
Rep. Matthew Klein			Rep. Naomi Muscha		
Rep. Lawrence Klemin					
Rep. Kim Koppelman					
Rep. William Kretschmar					
Rep. Alex Looysten					
Rep. Andrew Maragos					
Rep. Lisa Meier					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Vote
Carried*

Date: 1-25-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1177

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. P. Hatlestad Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	—	
Rep. Matthew Klein	—		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	✓				
Rep Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Alex Loosten	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	✓				
Rep. Nathan Toman	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Hatlestad

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

REPORT OF STANDING COMMITTEE

HB 1177: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 5, line 30, replace "appointing authority" with "governing body of the city or county"

Renumber accordingly

2013 SENATE POLITICAL SUBDIVISIONS

HB 1177

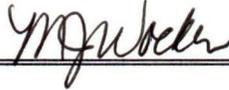
2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

HB 1177
March 8, 2013
19611

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to compensation of members of political subdivision boards and committees.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened the hearing for HB 1177. All senators were present.

Rep. Drovdal District 39 and I am the prime sponsor on the bill that is before you. It actually is a 9 page bill but it is very simple. It basically does one thing, on a bunch of different committees. What the problem we're facing all over North Dakota is the lack of volunteers for many of our commissions and its driven by a number of causes. Out west we're a little bit different because our cause of all the oil activity and business activity but in many areas it's is just basically both the parents work, they want to stay at home and we're having a hard time finding these volunteers. We're known for volunteers across the state but it is just getting more difficult. The bill before you allows the local political subdivisions when they appoint members to boards to pay them a per diem. That per diem is set by where we have established a maximum. Basically in a nutshell that is what the bill does.

Chairman Andrist Does this just involve setting salaries for commissions that they create, like the Board of County Commissioners?

Rep Drovdal replied to my understanding it does but I'll allow the county commissioners to answer for sure. They are the ones that instigated the bill. But my understanding it is just on boards they appoint.

Senator Judy Lee Why do we really care? Why is the state regulating if somebody pays fifty dollars to somebody to serve on all of these boards or commissions?

Rep. Drovdal replied that is a good question, but, we always seem to want to have a little control with everybody. That is a good point.

Chairman Andrist This was more of a statement. **Senator Judy Lee** replied it was a legitimate question. I want to know because we've had more of these things about cities and I just think some of this as micro managing in statute when we have responsible

people who are elected and appointed to these various positions. I just can't imagine why we think it is any of our business.

Rep. Drovdal replied I was agreeing with you. **Chairman Andrist** I didn't mean to suggest it wasn't an honest question. It is just that we knew the answer. The legislature has always been pretty controlling of local government. I think Sr. Lee and I, and probably many of the others today, has a number of bills that are similar to this. We're beginning to ask why not let local government govern.

Terry Traynor Assistant Director, North Dakota Association of Counties Written testimony #1.

Chairman Andrist This reminds me a little bit, and it's more of a side than it is a question but for as long as I can remember I think it was embedded in the Constitution, Legislators were permitted only \$5 a day compensation. So they systematically increased their expense allowance each biennium until finally it was taken out and changed.

Senator Judy Lee I don't see any problem with this, but I am just asking on the County Social Services Board since we had a bill on the Human Services Committee that talked about the changes that are taking place in the way those appliances are made, is there any potential conflict there or do we know that these two are reconciled?

Terry Traynor replied unless I am missing something the bill that you're referring to is actually a state board. It's the Regional Human Service Centers Advisory Board. That wouldn't be addressed by this because it is a state board.

Roger Chinn President North Dakota Association of Counties. Written testimony #2, in support of HB 1177.

Senator Howard Anderson I support the concept of the local guys doing this. My question is this, we hear this a lot in western North Dakota and everything is wrapped up and it takes more time but we all know that our wages or anybody else's wages or compensation never goes down once you set it. How do you see that playing in. People who elected us say the first thing we always do when we get here is raise our salary or compensations which is true. But they say they knew what the compensation was when you took the job, you and you shouldn't have taken it. Now I realize in your care you're having trouble finding people to do these jobs because of the compensations. Can you speak to that a little bit? What happens when the work load goes down and so forth?

Roger Chinn replied I wish our work load would go down. We weren't down here asking for this when others issues came up. I served on a library board and we used to meet quarterly, and served as a county commissioner and now there meeting every two weeks. The population increase and just the use is up tremendously. I don't know if we would change the wages or they would probably just meet less often. I think that would be the answer. We are having trouble.

Chairman Andrist I can't imagine anybody in McKenzie County thinking right now in terms of anything going down. Thanks for taking the time.

Doug Graupe Divide County commissioner, home of Chairman Andrist. To give you a little perspective of where I am coming from; many people don't know that Divide County is number 5 in production. They always talk about the big 4 and we've now passed Bowman County. I am just going to address a couple of committees. We've had zoning for a long time. We also have 65 gravel pits in Divide County, probably the most of any county in North Dakota. They are hauling gravel from Divide County to east of Williston. Why do I mention that, because it puts such a burden on our zoning board. We were meeting more than once a month, sometimes two times, and sometimes three times a month. People said they couldn't afford to donate this much time and I need to turn in my resignation. We've had to replace board members. We moved our meetings to just once a month and we've restricted the number of items that they can act on just because that's all the time that we can give to that effort. Of course that creates problems because now you back up the requests for two or three months, so some people have to wait for a decision. The second thing along with all the other increases we've had an increase in social services, sheriff's department, state's attorney. The reason I mention that is the social services board used to meet an hour or two, now it demands a longer meeting time. Consequently, it's putting a burden on the volunteers that we have on that board. So I encourage you to pass this and give us the opportunity to pay what we feel we have too to attract these members.

Chairman Andrist closed the hearing on HB 1177.

Senator Judy Lee moved do pass on HB 1177

2nd Senator John Grabinger

Role Call Votes 6 yea, 0 no, 0 Absent

Carrier: Senator Howard Anderson

REPORT OF STANDING COMMITTEE

HB 1177, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1177 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1177

#1

Testimony to the
House Political Subdivisions Committee
Prepared January 24, 2013 by
Terry Traynor, Assistant Director
North Dakota Association of Counties

Regarding: HB1177 – Appointed Board Per Diem

Madam Chair and committee members, the county commissioners of North Dakota requested the introduction of House Bill 1177 and I am here to document their support.

State law identifies 17 separate boards, commissions, and authorities, which county commissions are either required to, or allowed to, create and appoint members. The statutes providing for these boards have been enacted as recently as 2003 (Commerce Authority) and as far back as just prior to statehood (Library Board - 1887). As a result, there is quite a variety of statutes governing the payment of expenses and per diem to those appointed. The table attached to this testimony contrasts these statutes.

County commissioners have for some time been concerned about the inconsistency and inequity caused by this variation. Recently, however the difficulty that a number of our western counties have had in finding individuals to serve on some of the more time-intensive and controversial boards has prompted a request for legislation to address these many statutes. HB1177 was drafted to duplicate the same language addressing expenses and compensation; so that all appointees receive the official travel expense reimbursement of the appointing authority and that the appointing authority can set the per diem compensation based on the particular responsibilities and workload of the appointed board.

You will see that in the list there are two boards highlighted that do not appear in the bill draft. The first, the County Weed Board, has a statute that contains the language used as a model for the changes to the other sections in the bill, and therefore needed no change. The second, the Water Resource District Board, is unique in that while the county commission appoints the members, the Legislature has determined that District Board should set its own compensation.

County commissioners have pointed out that many of these boards deal with extremely challenging issues that take considerable time and can be quite contentious, involving friends and neighbors on both sides of the issue. To expect that level of service for \$45/day, or in some cases no compensation at all, suggests that this service is not valuable to the county – when quite obviously it is.

Prior to the Session, the League of Cities was asked to review this proposed legislation as several of these boards can also be created and appointed in cities. While they indicated support, it was noted that they believe this authority with respect to the per diem already exists for cities already – citing 40-13-04. (Copied below).

Madam Chair and Committee members, county commissioners across the state that must ask, and sometimes beg, their fellow citizens to serve in these important roles, urge a Do Pass recommendation.

Appointed County (and City or County) Boards and their Compensation Statutes

Appointing Authority	Board	Compensation Statute	Expenses	Per Diem
City or County	Airport Authority	2-06-06	"necessary expenses"	"may receive no compensation"
County	Co. Home Rule Charter Commission	11-09.1-02	as set by Co. Commission	as set by Co. Commission
County	County Jobs Development Authority	11-11.1-02	as per 44-08-04 and 54-06-09	"may not receive compensation"
County	County Park Board	11-28-02	"actual necessary expenses"	"same compensation per day as ...county commissioner"
County	County Planning Commission	11-33-05	"actual expenses...as county commissioner"	"not to exceed \$45 per day"
County	County Port Authority	11-36-07(1)	"necessary expenses"	"may not receive compensation"
County	County Commerce Authority	11-37-05(2)	"necessary expenses...at rates...44-08-04 and 54-06-09"	"may not receive compensation"
City or County	Housing Authority	23-11-05	"necessary expenses, including travel"	up to \$45/day - may not exceed \$600/year
County	County Vector Control Board	23-24-05	as per 44-08-04 and 54-06-09	\$30/day or lesser as board determines
City or County	Boards of Health	23-35-03(6)	"not exceeding the amount provided for a state officer"	up to \$62.50/day for no more than 25 days/year
County	County Weed Board	4.1-47-06(7)	as set by Co. Commission	as set by Co. Commission
City or County	Special Assessment Commission	40-23-02	No mention of expenses	"suitable compensation for member's services"
City or County	Library Board	40-38-03(3)	as per 44-08-04 and 54-06-09	No other compensation...unless governing body ...provides for...compensation
County	Multicounty Social Service Board	50-01.1-04(4)	"mileage and actual expenses...amounts provided by law for state officials"	\$45/day, not to exceed 45 days/year
County	County Social Service Board	50-01.2-02	"expenses actually incurred... And for mileage at the legal rate.."	not to exceed \$45/day
County	Co. Weather Modification Board	61-04.1-25	"expenses as defined in...44-08-04"	"no compensation for services"
County	Water Resource District	61-16-08	"same ... as provided for state officials .." "same rate as provided by section 11-10-15"	"at least \$75 but not more than \$135 per day"

40-13-04. Salaries of officers and employees fixed by ordinance -- Diminution of officers' salaries during term prohibited. Except when otherwise provided by law, any officer or employee of a city is entitled to receive the salary, fees, or other compensation fixed by ordinance or resolution. After having been once fixed, the salary of an officer may not be diminished to take effect during the term for which the officer was elected or appointed.

Testimony to the
House Political Subdivisions Committee

Prepared January 24, 2013 by
Roger Chinn, President
North Dakota Association of Counties
McKenzie County Commissioner

Madam Chair and committee members, I am Roger Chinn, a McKenzie County Commissioner and the current President of the North Dakota Association of Counties.

As a member of a county commission in the heart of our state's oil activity, I am amazed to see the increase in activity that local government must address. Service demands from law enforcement to social services, from road repair to building permits – everything is more and faster.

As the elected county board we are fortunate to have the ability to reach out into our community and appoint strong individuals to serve on the planning & zoning board, the social service board, the housing authority, the jobs development authority, the library board, and a number of others. These individuals are critical to making our service delivery work. They prioritize issues within their specific area, and bring the critical decisions before the county commission.

We need these boards. As their workload increases, their meeting days get longer and their issues get more contentious. It is important to adequately pay these individuals for their time and effort.

Each board is different, and we believe the county commission should have the authority to set the per diem that is paid to reflect the time and complexity of their responsibilities.

I urge you to give this bill a Do Pass recommendation.

1-25-13
#1

PROPOSED AMENDMENTS TO HOUSE BILL No. 1177

Page 5, line 30, replace "appointing authority" with "governing body of the city or county"

Renumber accordingly

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Senate Political Subdivisions Committee

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County	Board of County Commissioners	4.1-47-06	County Weed Board	4.1-47-06(7)	as set by Co. Commission	as set by Co. Commission
County	Board of County Commissioners	11-09.1-02	Co. Home Rule Charter Commission	11-09.1-02	as set by Co. Commission	as set by Co. Commission
County	Board of County Commissioners	11-11.1-01(2)	County Jobs Development Authority	11-11.1-02	as per 44-08-04 and 54-06-09	"may not receive compensation"
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County	Board of County Commissioners	11-33-04	County Planning Commission	11-33-05	"actual expenses...as county commissioner"	"not to exceed \$45 per day"
County	Governing Body	11-36-03	County Port Authority	11-36-07(1)	"necessary expenses"	"may not receive compensation"
County	Governing Bodies	11-37-03	County Commerce Authority	11-37-05(2)	"necessary expenses....at rates...44-08-04 and 54-06-09"	"may not receive compensation"
City or County	City Mayor County Commission	23-11-05	Housing Authority	23-11-05	"necessary expenses, including travel"	up to \$45/day - may not exceed \$600/year
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County	Board of County Commissioners	50-01.2-01	County Social Service Board	50-01.2-02	"expenses actually incurred... And for mileage at the legal rate.."	not to exceed \$45/day
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Testimony to the
Senate Political Subdivisions Committee

Prepared March 8, 2013 by
Roger Chinn, President
North Dakota Association of Counties
McKenzie County Commissioner

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Each board is different, and we believe the county commission should have the authority to set the per diem that is paid to reflect the time and complexity of their responsibilities.

I urge you to give this bill a Do Pass recommendation on Engrossed House Bill 1177.