

15.0962.03000

FISCAL NOTE STATEMENT

Senate Bill or Resolution No. HB 1417

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, school districts, or townships. 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.

Sheila Sandness
Senior Fiscal Analyst

15.0962.02000

FISCAL NOTE STATEMENT

Senate Bill or Resolution No. HB 1417

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, school districts, or townships. 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.

Sheila Sandness
Senior Fiscal Analyst

2015 HOUSE POLITICAL SUBDIVISIONS

HB 1417

2015 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Prairie Room, State Capitol

HB 1417
2/13/2015
23848

- Subcommittee
 Conference Committee

Chmonda Muscha

Explanation or reason for introduction of bill/resolution:

Relating to an armed services' room in courthouses.

Minutes:

Chairman Klemin: Opened hearing on HB 1417.

Representative Louser: Was brought to me by the state's attorney in my area and deals with dedicating a certain area for former members of armed services in court houses and county office buildings. People who can use this currently are in support. It is a valuable area and we are constructing a new county office and courtroom that would have a skywalk.

Representative Koppelman: Do you know the origin of this statute?

Representative Louser: I am not sure. There are fewer people who use it and qualify.

Representative Strinden: I am wondering if we should change the language from war to armed conflict and what is the room used for?

Representative Louser: Currently it is being used for organizational meetings and it is reserved separately if it is not spoken for community events. It is about this size and it is the first room in the building. It is used often but reserved for people that aren't using it currently.

Chairman Klemin: It is supposed to be used for exclusive use of former members of the armed forces and you were saying that this statute is being violated by using it for other meetings?

Representative Louser: I agree, we are putting into code what is in practice now. The constituent's purpose was recognizing the use of space but I think Representative Strinden makes a good point. Armed conflict makes more sense on this bill.

Terry Traynor: We talked about this bill with our county commissioners last week and they agree. I also agree with Chairman Klemin. They are rarely used by veterans and it was a

place where these groups had a place to gather before their own buildings were built. They are rarely used by veterans and veterans are a high priority and we want to give them preference to that room. We also feel it does make sense to strike out the idea of exclusively within the court house because now our larger counties have more buildings where we could make this place.

Representative Becker: Are you aware of this being a current issue?

Terry Traynor: No it isn't because the veterans rarely use the room. They are mostly scheduled for other commission meetings.

Representative Becker: Is there a need for this bill?

Terry Traynor: There is a need for the section that allows this room to be in a separate building.

Representative Koppelman: I agree that Strinden had a good idea. Could it be broader than that? This seems to apply only those veterans who were actually in armed conflict and I am wondering is that the traditional use or is it available to veterans only?

Terry Traynor: It is my understanding that the counties make it available to veterans without checking their credentials, but I know that terminology is important to some groups.

Representative Koppelman: I move the amendments.

Chairman Klemin: I am wondering if the words 'who served in any war' which replace that with 'of' so it would be 'former members of the armed forces of the United States' so that really we may have people who weren't actually ever in combat who are veterans and this would seem to not apply to them.

Representative Strinden: Second

Representative Kelsh: I think we would have to further amend the bill and take 'has been engaged out also'

Representative Koppelman: I would expand my motion

Representative Strinden: I would also

A Voice Vote Was Taken: All in favor

Motion carries

Representative Klein: Moved a do pass as amended

Representative Koppelman: Second

Representative Becker: I don't see the necessity of this bill but since it is the will of the committee I will also vote yes.

Representative Strinden: It just gives counties more latitude.

Representative Kelsh: Why not let others use it.

Representative Koppelman: If this were applied as written there wouldn't be many to use it.

Chairman Klemin: We are bringing the law up to date.

A Roll Call Vote Was Taken: Yes 14, No 0, Absent 0

Motion carries

Representative Klein will carry the bill

15.0962.01001
Title.02000

Adopted by the Political Subdivisions
Committee

February 13, 2015

AAO
2-13-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1417

Page 1, line 9, overstrike "who served in any war in which" and insert immediately thereafter
"of"

Page 1, line 9, overstrike "has been engaged"

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1417**

House Political Subdivisions Committee

- Subcommittee Conference Committee

Amendment LC# or Description: 15-0962.01001

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Other Actions: Reconsider _____

Motion Made By Koppelman Seconded By Strinden

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					

Motion carries voice vote

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1417

House Political Subdivisions Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

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

Motion Made By Klein Seconded By Koppelman

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin	X		Rep. Pamela Anderson	X	
Vice Chair Patrick R. Hatlestad	X		Rep. Jerry Kelsh	X	
Rep. Thomas Beadle	X		Rep. Kylie Oversen	X	
Rep. Rich S. Becker	X		Rep. Marie Strinden	X	
Rep. Matthew M. Klein	X				
Rep. Kim Koppelman	X				
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos	X				
Rep. Nathan Toman	X				
Rep. Denton Zubke	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Klein

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

Motion carries

REPORT OF STANDING COMMITTEE

HB 1417: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1417 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "who served in any war in which" and insert immediately thereafter "of"

Page 1, line 9, overstrike "has been engaged"

Renumber accordingly

2015 SENATE POLITICAL SUBDIVISIONS

HB 1417

2015 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB 1417
3/20/2015
25212

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to an armed services' room in a courthouse

Minutes:

"Click to enter attachment information."

Chairman Burckhard opened the committee for a hearing on HB 1417. All senators were present.

Rep. Louser District 5, Minot. This bill was brought to me by constituent that actually the State's Attorney in our area. The county building that we have in Minot. Actually when the House heard this bill, we were building a second building and putting a skywalk to attach to the previous one and the most prominent room when you come into the old building, is the ex-servicemen's room. It was originally designed for veterans of WW1 and WW11 to have as exclusive rights for use. Now, because there is fewer and fewer vets of those wars needing or using that room we're giving priority as opposed to exclusive rights and that room is used more often than not for community meetings and other issues and gatherings. So what this bill does is allow for a courthouse or a county office building to give priority preference to that same user group. It has been supported by the groups that are affected by this. I believe the State's Attorney had sent the chairman some testimony and why she is proposing this.

Chairman Burckhard and she did. It seems like a no brainer in my opinion.

Senator Grabinger Was there any discussion regarding "may" instead of "shall"? In line 7, where it says, " they shall equip and maintain".

Rep. Louser I don't know the discussion about changing that to "may" because that does still require that room to be adequately equipped, that's providing seating and furniture and whatever technology may be necessary for those meetings. I guess the short answer is no, that was not discussed as changing to "may".

Senator Judy Lee But what about the courthouses that don't have a room for this and what about communities that have very active veterans groups that have several gathering places for various veterans to assemble?

Rep. Louser I had to preface my remarks when I agreed to do this the same way, so please don't take this wrong way. As I had mentioned I agreed to introduce this bill on behalf of the state's attorney and then when we discussed this in the House committee, Mr. Traynor came up and backed me on that, that every county has a designated location for veterans already so it wouldn't be necessarily every courthouse but in this case every courthouse or county office building would still have that. So as I understand it every county already does have a location designated for veterans.

Senator Judy Lee So, Rep. Louser why do we need the bill?

Rep. Louser In this case it says courthouse specifically and what was being done in our county is that they want to use that space that is designated in the courthouse into the county office building even though the buildings are attached by a skywalk. So it would give the flexibility and it would change from exclusive use to priority preference.

Senator Bekkedahl My question comes on the "shall" and "may" discussion. You've answered that adequately but "shall equip" and maintain adequate rooms, plural. Should it be one room or are we going to make them have multiple rooms for this use or it should be room or rooms?

Rep. Louser I thought this was an easy bill. It is a valid point. One of the questions that came up in the House was should we be talking about wars because we are not currently in it, so we're talking about a conflict. So, I guess when you look at something that is maybe been in place for nearly 100 years, I think WW1 ended in 1918, and many of our courthouses were built around that time. Maybe this hasn't been addressed for a long time. That is something that wasn't considered but I think it is a good option. If the room is adequate there would be no need for rooms and I believe most of the county courthouses have a room and not multiple rooms.

Senator Dotzenrod It does seem like a lot of questions that are raised in the bill have really nothing to do with the changes you're proposing. It is more a question of the law that has been on the books for a long, long time. I think what we are looking at is a law that has been there probably for maybe 40-60 years and wondering how did we get the law that has been there that long to work in the way it is working. I think the changes you're talking about exclusive to priority that would make it less demanding than what we currently have. Courthouse or county office building if you have to choose between one or the other, would then that would probably make it less demanding so I think what you've proposed here is actually a reduction of our demands of what we've made on the county over what we've done in the past.

Rep. Louser I would agree and I would like to take credit for proposing it but it was the State's Attorney that saw the issue and the problem and as we often times I think they are already doing some of this. I just wanted to make it proper.

Senator Anderson Many of these cities have memorial buildings so Minot does too. That would mean they wouldn't need to have something in the county courthouse or the county office building because they have a room.

Rep. Louser I agree and I think the further we get away from the number of veterans that would have exclusive rights the less need there is for space. The space really could be designated at any square footage but I think this really just solves a minor issue that is already being addressed. When I had mentioned about this being heard in the House, there was a half- cent sales tax vote that happened in Minot to extend to complete the new building. That vote hadn't taken place yet. When we had this bill presented in the House and I would suspect that now that it did pass, in this county anyway, that they would be able to have the flexibility to designate what building and what area they are going to have this space reserved for priority preference. I didn't expect a question from every member of the committee, but you're the only one who hasn't asked it. (examples cited for use)

Terry Traynor Association of Counties (10:25-11:51) We did talk with our county commissioners about this and they are supportive of that. I think Rep. Louser has pretty well explained the issue and the situation. This requirement is on those communities over 10,000 and that is 13 right now. So we're talking about the larger communities where this requirement goes. Although many of our counties do have a veterans room in their but as Rep. Louser explained very often they are used as a community center, rooms. Some of them are called farmers and veterans rooms, so they are different in different places. This requirement was enacted in 1935, following WW1, and as was mentioned that was before there were a lot of American Legion Halls and VFW clubs obviously came after WWII. So there weren't places for the Veterans to assemble and that's made sense but it still makes sense to honor them with a room that they can use at their preference and we would hope that you pass the bill.

Senator Judy Lee I don't remember who brought it up anymore. One of the gentleman at the end of one of the table or the other, but should we say "an adequate room" instead of "adequate rooms"? Does that obligate the county to have more than one room?

Terry Traynor I don't know if it does. If one is adequate do you need more than one? We've lived since 1935 with the word rooms in there and I don't know of any that have more than one. But if it's the committee's desire to clean that up we would support that as well.

Senator Judy Lee I'll just bet that if they had plural form of boards then rooms would have been fine. But if we're talking about which it should "a board " of a county, the county commission then, we maybe need "a". I realize is it a little anal, but really as long as were here let's get it right.

Chairman Burckhard closed the hearing on HB 1417.

Committee Discussion

Senator Judy Lee I would like to amend the bill to add the word "an" after maintain on Line 7, and delete the "s" at the end of room.

2nd **Senator Grabinger**

Roll call vote on the amendment

6-0-0

Senate Political Subdivisions Committee
HB 1417
March 20, 2015
Page 4

Senator Bekkedahl I would move a do pass as amended to HB 1417.
2nd Senator Grabinger

Roll call vote

6-0-0

Carrier: Senator Burckhard

15.0962.02001
Title.03000

Adopted by the Political Subdivisions
Committee

March 20, 2015

3/20/15
JAE

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1417

Page 1, line 7, after "maintain" insert "an"

Page 1, line 7, overstrike "rooms" and insert immediately thereafter "room"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1417, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1417 was placed on the Sixth order on the calendar.

Page 1, line 7, after "maintain" insert "an"

Page 1, line 7, overstrike "rooms" and insert immediately thereafter "room"

Renumber accordingly