

2023 HOUSE POLITICAL SUBDIVISIONS

HB 1293

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1293
1/26/2023

Relating to election of city commissioners, city council members, and park district commissioners

Chairman Longmuir opened the hearing on HB 1293 at 11:35 A.M. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, Rep. Hager

Discussion Topics:

- Terms of council members.

Rep. Pyle: Introduced the bill. Testimony #16566

Stephanie Dassinger Engebretson, ND League of Cities: Testimony #16929

Additional written testimony:

Kevin Klipfel, ND Recreation & Park Association. Testimony #16910

Meeting closed at 11:45 AM.

Delores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1293
1/27/2023

Relating to election of city commissioners, city council members, and park district commissioners

Chairman Longmuir opened the meeting on HB 1293 at 10:45 A.M. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, Rep. Hager.

Discussion Topics:

- Amendment
- Official meeting
- Date change

Discussion on the first official meeting date.

Rep. Longmuir decided to hold the bill.

Meeting closed at 10:55 AM.

Delores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1293
2/9/2023

Relating to election of city commissioners, city council members, and park district commissioners

Chairman Longmuir opened the meeting on HB 1293 at 10:15 A.M. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Motschenbacher, Rep. Ostlie, Rep. Toman, Rep. Warrey, Rep. Davis, Rep. Hager. Absent: Rep. Klemin, Rep. Rios

Discussion Topics:

- Amendment

Rep. Warrey moved to amendment 23.0849.01001(#20319).
Seconded by Rep. Motschenbacher

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick Hatlestad	A
Representative Matt Heilman	Y
Representative Dawson Holle	Y
Representative Jim Jonas	Y
Representative Lawrence R. Klemin	A
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nico Rios	A
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

Motion carries: 11 Yes 0 No 3 Absent

Rep. Warrey moved a Do Pass as Amended
Seconded by Rep. Jonas

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick Hatlestad	Y
Representative Matt Heilman	Y
Representative Dawson Holle	Y
Representative Jim Jonas	Y
Representative Lawrence R. Klemin	A
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nico Rios	A
Representative Nathan Toman	N
Representative Jonathan Warrey	Y

Roll Call Vote: 11 Yes 1 No 2 Absent Carrier: Rep. Ostlie

Meeting closed at 10:22 AM.

Delores Shimek, Committee Clerk

44
2-9-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

Page 3, line 8, overstrike "first"

Page 3, line 8, overstrike "on the"

Page 3, line 8, after "fourth" insert "in conjunction with the"

Page 3, line 8, overstrike "Tuesday" and insert immediately thereafter "meeting"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1293: Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1293 was placed on the Sixth order on the calendar.

Page 3, line 8, overstrike "first"

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Page 3, line 8, after "~~fourth~~" insert "in conjunction with the"

Page 3, line 8, overstrike "Tuesday" and insert immediately thereafter "meeting"

Renumber accordingly

2023 SENATE STATE AND LOCAL GOVERNMENT

HB 1293

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1293
3/16/2023

Relating to election of city commissioners, city council members, and park district commissioners.
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8:30 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- City/park district's meeting date
- Elected officials start date

Rep Pyle, Dist 22, bill sponsor, testified in support #25356.

Stephanie Engebretson, League of Cities, testified in support #25388.

Sen Barta moved a DO PASS.

Sen Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	AB
Senator Judy Estenson	AB
Senator Judy Lee	Y

VOTE: YES – 4 NO – 0 Absent - 2 Motion PASSED

Sen Barta will carry the bill.

Additional written testimony:

Shannon Schutt, ND Parks and Recreation, in support #25355.

8:37 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1293, as engrossed: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1293 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1293



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Brandy Pyle

District 22
P.O. Box 337
Casselton, ND 58012-0337
bpyle@ndlegis.gov

COMMITTEES:
Appropriations

January 26, 2023

Relating to election of city commissioners, city council members, and park district commissioners

Good afternoon Chairman Longmuir and Political Subdivisions Committee. For the record, I am Brandy Pyle, State Representative from District 22. I am here to introduce HB 1293. This is a bill to address a timing issue when newly elected officials take office and when organization meetings are required to be held.

During the 2021 Legislative Session, the canvassing board meeting to canvas the votes was moved a week later. Per century code 16.1-15-17 the County canvassing board shall meet on the thirteenth day following each election. As a result, under the current law, city and park district officials took office one day after votes were canvassed and vote counts became final. There are instances where city elected officials and park district officials have tie vote counts or the number of votes that an individual wins by is so small it is within the thresholds of requiring the votes to be recounted. As such, only have one day to work out these issues did not work well.

To address the problem, the bill would move the day that city elected officials and elected park officials take office to July 1 (one-week later) and allow cities and park districts to organize at their first meeting in July, in lieu of requiring them to hold a separate meeting to organize.

Thank you for the consideration of HB 1293. I stand for questions, but know there are others here to testify too.

**Testimony of Kevin Klipfel
North Dakota Recreation & Park Association
To House Political Subdivisions
In Support to HB 1293
Thursday, January 26, 2023**

Chairman Longmuir and Members of the Committee, my name is Kevin Klipfel, and I am a member and former board president of the North Dakota Recreation & Park Association (NDRPA). We are in support of HB 1293.

Under current law, city council members, city commissioners and park board commissioners are elected the second Tuesday in June. Just two weeks later, on the fourth Tuesday of June, they are required to take office and hold their organizational meeting. State law also requires a canvas of votes within 13 days of the election.

These dates do not allow sufficient time for a recount of votes if necessary. Nor do they provide time before the city or park board's organizational meeting for appointments if an elected individual is no longer able to serve in that position.

HB 1293 would allow city council members, city commissioners and park board commissioners to take office July 1 and then hold their organizational meetings at their first meeting in July. Moving the dates to July would also provide time to canvas votes or for additional appointments if necessary.

Thank you for the opportunity to express our support for HB 1293.

January 26, 2023
House Political Subdivisions Committee
HB 1293
Rep. Donald W. Longmuir, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the North Dakota League of Cities. I am the deputy director and attorney for the North Dakota League of Cities.

The North Dakota League of Cities support HB 1293. Although, this bill appears to be long, it only does two things. First, it moves the date elected city and park district officials take office back a week to July first. Second, it allows cities and park districts to organize at their first meeting in July. This summer, League staff held 6 different regional listening sessions and this issue was raised at each session. The reason for the length of the bill is that it must be changed in the different statutes for the three different forms of government for cities and in the statutes for park districts. There is one minor mistake in Section 4 of the bill. I have an amendment I will discuss later that addresses the issue.

First, I need to explain why we are requesting this change. Last session, the North Dakota Legislature passed a bill that moves the election canvassing board meeting from 5 days after the election to 13 days after the election. The canvassing board meeting is where a number of appointed individuals review set aside ballots and finalize the election results. This was a good bill; however, it had some unintended consequences for cities and park districts.

Under current law, North Dakota city and park district leaders take office on the fourth Tuesday in June. They are also required to hold an organization meeting to select their leadership and appoint city appointed officials, such as the city auditor and police chief, at the same time. This set date in the Century Code often requires cities and park districts to hold an extra meeting to organize if they would not normally meet on that date. Additionally, there is a really tight turn around between the canvassing board meeting and newly elected city and park district officials taking office. This tight turn around caused a lot of problems after the June city and park district elections.

The issue is best explained by an example. Under current law, in 2024, city and park district elections will be on Tuesday, June 11. The canvassing board will meet 13 days after the election, on June 24 and, without passing this bill, city and park district elected officials will take office on June 25. This one day turn around does not give cities and park districts time for election recounts and to address other issues when there is a tie or close vote or an individual decides not to accept an office. As a result, we are requesting to move the date that elected city and park district officials take office one week later. Additionally, we are asking to allow city and park districts to have their organization meeting at their first meeting in July, potentially eliminating the need for an additional meeting.

Now I will walk through the bill:

- Section 1 of the bill changes the date elected officials under the modern council form of government take office to July 1.
- Section 2 of the bill provides that cities under the modern council form of government need to organize at their first meeting in July.
- Section 3 of the bill provides that city council members in council cities take office on July 1. This section also relates to if a city would change from another form of government to the council form of government or when a city organizes how the terms of council members would run.
- Section 4 is the section that we are requesting the amendment for. It should provide that cities under the council form of government organize in conjunction with the first meeting in July.
- Section 5 is the section that provides that the commission president and city commissioners in cities under the commission form of government take office on July 1.
- Section 6 is the section that provides that organization of cities under the city commission form of government occurs at the first meeting after the new board takes offices. In other words, it would organize at the first meeting in July.
- Section 7 is a general section for cities operating under the council form of government and provides that all elected officials in these cities take office on July 1. This is the section that makes the change for the office of mayor.
- Section 8 is the general section that states the elected officials in the commission form of government take office on July 1.
- Section 9 provides the elected park district commissioners take office on July 1.
- Section 10 provides that park district commissioners must qualify for their office by July 1. Qualifying for office means that park district officials file their oaths of office.
- Section 11 provides that park districts will organize at their first meeting in July.

These changes would help our cities run more effectively during election time and potentially, allow the city to hold one less meeting. The North Dakota League of Cities requests that you adopt the amendment and provide a DO PASS recommendation on HB 1293.

June

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11 Election Day	12	13	14	15
16	17	18	19	20	21	22
23	24 County Canvasses Votes (13 days after election)	25 Current law- Council Members/Commissioners/ park commissioners take office & organize	26	27	28	29
30	Jul 1 Proposal –council members/commissioner /park commissioner take office	Jul 2	Jul 3	Jul 4	Jul 5	Jul 6

Proposal – Cities and parks will organize at first regular meeting in July

Section 4

40-08-10. Meetings of council - Regular, special, and for organization

The city council shall hold its regular meetings at least once a month on a date certain established by resolution or ordinance of the council, and may prescribe by ordinance the manner in which special meetings may be called as well as the establishment of any additional regular meetings desired. If a regular meeting falls upon a holiday, the meeting must be held upon the next business day with the same effect as if conducted upon the day appointed. All regular and special meetings must be held at a time and place designated by the city council. The ~~first~~ meeting for the organization of the city council must be held in conjunction with the first meeting in July ~~on the fourth Tuesday in June~~ of each even-numbered year.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

Page 2, line 8, overstrike “first”

Page 2, line 8, after “held” insert “in conjunction with the first meeting in July”

Page 2, line 8, remove “first”

Page 2, line 8, overstrike “on the Tuesday”

23.0849.01001
Title.

Prepared by the Legislative Council staff for
Representative Warrey
January 31, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1293

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Page 3, line 8, after "~~fourth~~" insert "in conjunction with the"

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Renumber accordingly

**Testimony of Shannon Schutt
North Dakota Recreation & Park Association
To Senate State and Local Government
In Support to HB 1293
Thursday, March 16, 2023**

Chair Roers and Members of the Committee, my name is Shannon Schutt, and I am the executive director of the North Dakota Recreation & Park Association (NDRPA). We represent more than 900 members, primarily park districts, and work to advance parks, recreation and conservation for an enhanced quality of life in North Dakota. We are in support of HB 1293.

Under current law, city council members, city commissioners and park board commissioners are elected the second Tuesday in June. Just two weeks later, on the fourth Tuesday of June, they are required to take office and hold their organizational meeting. State law also requires a canvas of votes within 13 days of the election.

These dates do not allow sufficient time for a recount of votes if necessary. Nor do they provide time before the city or park board's organizational meeting for appointments if an elected individual is no longer able to serve in that position.

HB 1293 would allow city council members, city commissioners and park board commissioners to take office July 1 and then hold their organizational meetings at their first meeting in July. Moving the dates to July would also provide time to canvas votes or for additional appointments if necessary.

Thank you for the opportunity to express our support for HB 1293.



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Brandy Pyle

District 22
P.O. Box 337
Casselton, ND 58012-0337

bpyle@ndlegis.gov

COMMITTEES:

Appropriations

March 16, 2023

Relating to election of city commissioners, city council members, and park district commissioners

Good morning, Chair Roers and State and Local Government Committee. For the record, I am Brandy Pyle, State Representative from District 22. I am here to introduce HB 1293. This is a bill to address a timing issue when newly elected officials take office and when organization meetings are required to be held.

During the 2021 Legislative Session, the canvassing board meeting to canvas the votes was moved a week later. Per century code 16.1-15-17 the County canvassing board shall meet on the thirteenth day following each election. As a result, under the current law, city and park district officials took office one day after votes were canvassed and vote counts became final. There are instances where city elected officials and park district officials have tie vote counts or the number of votes that an individual wins by is so small it is within the thresholds of requiring the votes to be recounted. As such, only have one day to work out these issues did not work well.

To address the problem, the bill would move the day that city elected officials and elected park officials take office to July 1 (one-week later) and allow cities and park districts to organize at their first meeting in July, in lieu of requiring them to hold a separate meeting to organize.

Thank you for the consideration of HB 1293. I stand for questions but know there are others here to testify too.

March 16, 2023

Senate State and Local Government Committee

HB 1293

Senator Kristin Roers, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the North Dakota League of Cities. I am the deputy director and attorney for the North Dakota League of Cities.

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Under current law, North Dakota city and park district leaders take office on the fourth Tuesday in June. They are also required to hold an organization meeting to select their leadership and appoint city appointed officials, such as the city auditor and police chief, at the same time. This date is set in the Century Code and often requires cities and park districts to hold an extra meeting to organize if they would not normally meet on that date. Additionally, there is a tight turn around between the canvassing board meeting and newly elected city and park district officials taking office. This tight turn around caused a lot of problems after the June city and park district elections.

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These changes would help our cities and park districts run more effectively during election time and, potentially, allow the city and park district to hold one less meeting. The North Dakota League of Cities respectfully requests a DO PASS recommendation on HB 1293.

June

2024

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Proposal – Cities and parks will organize at first regular meeting in July