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ROLL NUMBER

DESCRIPTION

1474

2001 4

GOVERNMENT AND VETERANS AFFAIRS

HB 1474

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1474 A

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/08/01

Tape Number	Side A	Side B	Meter #
1	X		2762-END
		X	0-698
Committee Clerk Signature <i>Robin D. Small</i>			

Minutes:

REP. M. KLEIN called the hearing to order with all committee members present.

In favor:

REP. RALPH E. METCALF

Please see attached testimony.

REP. M. KLEIN asks if this would be a stipulation of someone's supervisor, if the amendment and the bill was passed. Would this supersede the other one? REP. METCALF replies yes, the employees would not lose the benefits. REP. DEVLIN comments that there are employees that are almost irreplaceable. REP. DEVLIN states to the committee that he and his wife advertised for over four months to try and hire someone to come in when the legislature was to begin.

Neutral:

JOHN BJORNSON, LEGISLATIVE COUNCIL STAFF

BJORNSON is only here to explain the bill to the committee.

In favor:

REP. MERLE BOUCHER, DISTRICT 9

Please see attached testimony. BOUCHER talks about some legislators that have lost their jobs for serving on the assembly. Asks the committee to please support this bill.

Neutral:

GREG SUND, CITY ADMINISTRATOR OF DICKINSON

SUND wants to bring it to the attention of the committee that there needs to be looked at the employers as well as the employees.

Oppose:

BEV NIELSON, NDSBA

NIELSON states to the committee that this bill does not work for teachers and the schools. It is not fair to the students to have a teacher for only half of the years. States that they need to keep the students in mind, not the teachers that have ran for the office.

REP. BELLEW asks what do they suggest the schools do. NIELSON states that they should not allow negotiations. REP. KLEMIN states that the local community generally knows if they are voting for a teacher at election time, don't they? NIELSON comments that she is sure that he is right about that. REP. HUNSKOR comments that the best quality for the kids is what needs to be looked at.

Being there was no further testimony in favor or in opposition the hearing was then closed.

Action was not taken at this time.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1474 B

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2/15/01

Tape Number	Side A	Side B	Meter #
1	X		5334-END
		X	0-368
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

COMMITTEE WORK:

REP. M. KLEIN called the hearing to order. HB 1474 was heard on Feb. 8, 2001.

ACTION:

All members were present. General discussion. REP. HAAS motioned to accept the amendments at hand, seconded by REP. BELLEW. A voice vote was taken with the majority passing it.

REP. BELLEW motioned for a DO PASS AS AMENDED, seconded by REP. WIKENHEISER.

The roll call vote was taken with 15 YES, 0 NO and 0 ABSENT AND NOT VOTING.

The motion carries. The CARRIER of the bill is REP. BELLEW.

HB 1474: DO PASS AS AMENDED 15-0

CARRIER: REP. BELLEW

YR
2/15/01

HOUSE AMENDMENTS TO HB 1474 HOUSE GVA 2/15/01
Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-03-27 of the North Dakota Century Code, relating to a leave of absence from employment or service in the legislative assembly."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-03-27 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-27. Service in the legislative assembly - Leave of absence from public employment. The executive officer in charge of a state agency, department, or institution or the governing body of any political subdivision or any other employer in this state may grant a leave of absence from employment to a full-time employee of that governmental entity or of that employer who is a member of the legislative assembly for service during any regular or special session of the legislative assembly and for attendance at a meeting of the legislative council or any of its committees. The leave of absence may be without pay, and the employer may reduce or eliminate the payment of any additional benefits normally due the employee while the employee is performing legislative service. ~~A state agency, department, or institution or a political subdivision~~ if the leave of absence is granted, the employer may not terminate the employment of an employee solely due to the fact that the employee is absent from employment as the result of service in the legislative assembly."

Re-number accordingly

Date: Feb. 15th, 2001

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 474

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Accept the Amendments

Motion Made By Haas Seconded By Bellew

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN			REP KROEBER		
VICE CHAIR GRANDE					
REP BELLEW					
REP BRUSEGAARD					
REP CLARK					
REP DEVLIN					
REP HAAS					
REP KASPER					
REP KLEMIN					
REP MEIER					
REP WIKENHEISER					
REP CLEARY					
REP HUNSKOR					
REP METCALF					

Vote
passes

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: Feb. 15th, 2001

Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1474

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass As Amended

Motion Made By Bellew Seconded By Wikenheiser

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER	✓	
VICE CHAIR GRANDE	✓				
REP BELLEW	✓				
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN	✓				
REP HAAS	✓				
REP KASPER	✓				
REP KLEMIN	✓				
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY	✓				
REP HUNSKOR	✓				
REP METCALF	✓				

Total (Yes) 15 No 0

Absent _____

Floor Assignment Rep. Bellew

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

REPORT OF STANDING COMMITTEE

HB 1474: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1474 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 section 54-03-27 of the North Dakota Century Code, relating to a leave of absence from employment for service in the legislative assembly.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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Renumber accordingly

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1474

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1474

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
1		X	23.3-46.1
2		X	33.1-35.2
Committee Clerk Signature <i>Jane A. Raibe</i>			

Minutes: Chairman Krebsbach opened the hearing on HB 1474 which relates to a leave of absence from employment for service in the legislative assembly. Appearing before the committee was **Representative Ralph Metcalf**, District 24, prime sponsor of the bill. A copy of his written testimony is attached. **Senator C. Nelson** inquired about line 15 of the bill, wondering if the bill needed to be amended. It says the employer may not terminate, you emphasized employee. She indicated she had misunderstood. **Senator C. Nelson** indicated she had a question as to the prevalence of the problem at the present time. Representative Metcalf indicated that he was told that there were two legislators that were released in past history. If this bill had been in code they would not have been able to be released by their employer when they got home from the legislature. **Senator C. Nelson**, so in other words the essence of your bill is in the last three lines. Representative Metcalf indicated yes, but they also have to be in agreement before that legislator comes to the legislature. Yes, I as an employer agree with you that you should be gone for this time period. In talking with people that are aware of the

circumstances of the legislators that were released. The employer gave them the agreement yes go to the legislature and then when they got back, we don't need your services anymore.

Senator Dever, indicated that he remembers during the Vietnam War that when a person was drafted, went into the service, came back he was guaranteed his job back. Is that the same situation now if somebody enlists in the military. Do you know? **Representative Metcalf** indicated that he has the book that the military actually uses. It is called employer and guard member reserve rights and responsibilities. Yes, they are given a lot of rights, not only their rights of reemployment but also their rights of benefits, their rights of vacation, their rights of everything. The rights that they had before they left. There were no further questions.

Representative Merle Boucher, minority leader of the house, district 9. He presented written testimony which is attached. **Senator C. Nelson** indicated that the way she reads this, she looks back to a former representative from her district who as a result of noncompliance, had the agreement and she thinks that is key in itself, but do you think there are going to be some who take a broad view of what you think solely due to the fact means. If there is a reduction in force or where there are other people that are also losing, but when it is one person that gets zapped then it looks really suspicious. How do you see people interpreting solely in line 16?

Representative Boucher indicated that is a very intriguing question. Your question is perhaps a reason we have a legislature to begin with. Especially when you look at why we have such a large workload. It is because we do pass laws and we do think we are doing the right thing and his experience has been people are creative and people are devious and people are going to sit back there and try to interpret a lot of what we do to suit their own particular situation and need. Will this bill safeguard things 100%. I doubt it, but it is a step in the right direction. It is a message out there that if you did agree to something commitments are made and they should be

