

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1444

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1444
February 14, 2013
18923

Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to information required to be filed in statements of interests; relating to legislative lobbying.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on HB 1444.

Rep. Gail Mooney appeared in support of this bill. I realize it falls in line with all the rest we have heard this morning with relation to ethics. HB 1444 comes from her own experiences in campaigning. I had not run for state election before and so moving into the state arena, I found myself being asked questions and defending certain points that I didn't really have strong clarification of. What I was hearing from them is the idea that once we come out and we start working in Bismarck, we all kind of assimilate and become of one mind. My initial answer to them was when I come out to Bismarck, I will always remember my roots. It didn't really hit a note for me until in August when I went on the Lignite Coal tour. I came away with an entirely different perspective. When I came back, some of the questions turned to when you went out to the coal tour, didn't you really just kind of take on what it was that they wanted you to hear? My answer was it was a very enlightening experience in that I was able to learn something different. Living on the east side of state, I don't deal with coal an awful lot, but I know that here in North Dakota it is very big and an important part of our structure for energy. Now I realize coming back I have no way to show people that this is truly legitimate as far as dollars and cents are concerned. All of that particular experience was paid by that council. I thought that maybe it should be filed on a state form. We file our contributions and that it would be a very simple way to be able to relay to people that something took place. The coal tour was not an issue because no money exchanged hand anywhere. That is a business expense on their part, so I don't want to even intimate that the coal industry should have to do anything different in that particular instance. As a legislator, if I were I invited to a function that would require my participation and they reimbursed me for some reason, I think that should be on a form that simply states yes I attended, yes I did this, and this is how it was reimbursed to me. The first part of Section 1 pertains to that. It is just an accounting, no different than what we do with our contributions in a campaign situation or even as a legislator. I don't want to have to have my neighbor question me as to my ethics. I want to be able to say no, this is me, this is how I do this and it is on the state forms. The second part, 2C, simply adds to the definition of lobbyist to include someone who proposes model legislation. This comes from the questions asked when talking to those people during campaigning--Are you going to be

drafting bills on behalf of us or on behalf of someone else? If a bill is on behalf of a lobbyist, it should state that.

Rep. Vicky Steiner Line 8-9 states you would list the amount of each scholarship. If they fly a plane to Fargo and all the eastern legislators get on this private plane and are flown to this lignite mine for this tour and give you exposure to the big bucket, how do they evaluate? It is a very secure area and not everybody gets a chance to see what you were able to see. What is the value of that experience and how would the Lignite Energy Council value all of those elements? There probably aren't as many people to get the tour of the bucket and there is a value to it, but what is it and how would they ever be able to feel like they have met your qualifications?

Rep. Gail Mooney The Lignite Council tour is a business expense and a write off. My people at first thought there was some kind of reimbursement. I think people out and about tend to think of lobbyists in a negative term. They have a significant role in our lives as legislators. We have to learn about those things in order to be able to make informed decisions, so I think that whole process is absolutely necessary and needs to stay in place. What it did bring me to is if I did get reimbursed, I want my constituents to know unequivocally this is the purpose of it, this was the dollar amount for it and this was what it accomplished.

Rep. Vernon Laning You mentioned lobbyists as promoting a bill. How about the individual? I have been approached by individuals that would like to see a bill of some sort. I think there would be reluctance on the part of the individuals to do that if their name was listed here just because somebody who opposes that may harass them. Are you intending to extend this to that degree?

Rep. Gail Mooney My thought on it was that it would relate specifically to a lobby instance. An example might be my local telephone company where a constituent would like to have something addressed and here is some proposed language that I would like to have you bring forward. The local telephone company would be lobbying on behalf of at least their side of an industry.

Rep. Vernon Laning Would you propose I put my name on the bill? How do we protect that individual from the notoriety of wanting this bill when he introduced it to myself, for instance? Do we take the heat as a legislator?

Rep. Gail Mooney On an individual, I would want to take the heat. I wouldn't want individual constituents. It is more thinking in terms of group situations.

Opposition:

Bill Shalhoob, Greater ND Chamber, appeared in opposition. I think the word scholarship is a little misleading. As a lobbyist, we already file a report with the Secretary of State after each session. Every time we spend more than \$25 or \$50 on any legislator for any one event.

Chairman Jim Kasper It is \$60 for any single event.

Bill Shalhoob With regard to the second part, I understand that and there have always been keys in the legislature--This is a constituent bill. I am bringing this bill on behalf of. I don't think it is a big issue. I don't see the reason for it.

Rep. Vernon Laning On your reports do they include individual names or the group?

Bill Shalhoob We report by name. If I take four of you out to dinner and the bill with the five of us comes to over \$60 a person, I have to report that by name.

The hearing was closed.

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House Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1444

February 21, 2013

19348

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to information required to be filed in statements of interests; relating to legislative lobbying.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper reviewed that this bill requires the lobbyist to do additional reporting on what they are doing and where they are spending their money. It seems to be targeted at one or two organizations that provide scholarships to legislators, not only from North Dakota but from around the country, to attend seminars that discuss model legislation. One of the organizations that is big in model legislation is National Conference of Insurance Legislators (NCOIL). He is part of this organization and explained what they did. The bill also defines who the lobbyists are.

Rep. Karen Rohr I had the opportunity to review the legislative lobbying law that is identified here on this bill. I think the rules and regulations as written are pretty clear. I move a Do not pass.

Rep. Ben Koppelman seconded.

Rep. Scott Louser Last week when this was heard I was at an issues conference, but it was an industry issues conference, and I was one of two or three legislators there and as I am reading this, I am wondering would this even apply to that if it wasn't a legislative conference?

Chairman Jim Kasper He read the new section under Section 1 relating to legislative lobbying. Were your fares paid for by the state or political subdivision?

Rep. Scott Louser No.

Chairman Jim Kasper Under this bill the entity would have to report and you would have to report.

Rep. Ben Koppelman One of the reasons I seconded the do not pass is I am a builder by trade and attend many conferences for my industry. Although I serve the legislature

whenever there are needs to have a legislative function and certainly during the session, I also am a private citizen and a business owner that participates in my industry. They sometimes would pay my way to come to a conference to learn about what are the best practices in the construction industry and what concerns do we have and what legislation would it take to affect that. There is no wrong doing in attending those, and those have nothing to do with my legislative service. This is a solution looking for a problem.

Rep. Gail Mooney I never intended it to imply that there is any wrong doing by any of this, because I actually look at it as an educational type of thing. It is just a matter of transparency. I don't care for the fact that some of my constituents seem to think that I am in somebody's back pocket. I have no qualms about making available anything that I need to make available to insure them that that is in fact my stand and I stand by that with all my integrity. This was about how can we make this even more transparent moving forward into this ever increasingly complex 21st century where ND is very much involved in not only a national economy but a global economy.

Rep. Ben Koppelman I wasn't suggesting that was your intent. The way I read the bill, being that we are part time legislators and we all have careers and we all have industries that we belong to, this would create a gray fuzzy area around what's there and what's not. I like it the way it is.

A roll vote was taken and resulted in **DO NOT PASS, 10-3, 1 ABSENT**. **Rep. Karen Rohr** is the carrier.

Date: 2-21-13
 Roll Call Vote #: _____

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1444**

House Government and Veterans Affairs 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 Rohr Seconded By B. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chairman Randy Boehning	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Marie Strinden		
Rep. Karen Karls	X		Rep. Steven Zaiser		X
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner	X				

Total (Yes) 10 No 3

Absent 1

Floor Assignment Rohr

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

REPORT OF STANDING COMMITTEE

HB 1444: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).
HB 1444 was placed on the Eleventh order on the calendar.