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*Doreen Baller*  
Operator's Signature

10/2/03  
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1244

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*Doreen Hall*  
Operator's Signature

10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1244

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1/21/03

Tape Number	Side A	Side B	Meter #
4	x		10.1-50.1
Committee Clerk Signature <i>Judith Hammer</i>			

Minutes: **Chairman Keiser** opened the hearing on HB 1244.

**Rep. Wrangham**, District 8 introduced HB 1244 which relates to exceptions from the definition of a lobbyist. (See attached) Specifically, Subsection 2. f. is the added language to the bill.

**Rep. Johnson** asked whether or not people have not come forth to testify because they thought they had to be a registered lobbyist, to which **Rep. Wrangham** replied that he does believe there is a lot of uncertainty among business owners and their management teams regarding this issue

**Rep. Kasper** asked for clarification about the exclusion re: "management position".

**Rep. Wrangham** replied that the bill is not intended to deal with employees.

**Marilyn Foss**, Counsel for ND Banker's Association, appeared in support of HB 1244 and gave extemporaneous testimony. **Rep. Severson** asked Foss if there have been problems between the Secretary of State's Office and some lobbyists in the past regarding whether or not they had to register if they were appearing on their own behalf to which **Foss** replied she couldn't attest to this exactly but she knows there is confusion. **Rep. Ruby** asked if there are instances where

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*Dorinda Hallmark*  
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1/21/03  
Date

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House Industry, Business and Labor Committee  
Bill/Resolution Number HB 1244  
Hearing Date 1/21/03

larger companies with managers that serve as government relations who then would not have to be licensed as a lobbyist who at this time probably are. Foss stated that large entities with government relations personnel certainly know and are well aware of lobbyist registration.

Rep. Ekstrom asked for clarification regarding whether a lobbyist can "take off his hat" and speak to a legislator as a citizen, a constituent, not as a lobbyist. Foss said that there are certainly times that she personally does this.

Mick Gross, CEO of West River Telecommunications, Hazen, ND, spoke extemporaneously in support of HB 1244. Stating that it is part of his job description to represent his company in legislative endeavors, he asked that those people in positions like his not be asked to register as a lobbyist, if they are not appearing on behalf of other similar businesses.

Al Jaeger, Secretary of State, appeared in opposition to HB 1244. (See attached) He stated that it is a misconception that individuals cannot appear on their behalf. This is untrue. Someone who is appearing on behalf of someone else is by definition, a lobbyist. At present 482 lobbyists representing 762 organizations are currently registered with the Secretary of State's Office. In the off year there were 269 lobbyists representing 419 organizations. Two years 629 lobbyists represented 946 organizations. The Secretary of State is mainly concerned with this HB 1244's reference to business since in the Secretary of State's office, business means corporation, whether for profit, not for profit, limited liability company, cooperatives etc. When in doubt, he encourages people to pay \$20 and register.

Rep. Froseth asked what the penalty is for appearing as a lobbyist without being registered.

Jaeger stated that an unregistered lobbyist is guilty of an infraction and the matter is referred to

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Hearing Date 1/21/03

the office of the States Attorney. It is Jaeger's opinion that the current statutes are working and that there isn't a need to make changes at this time.

As no one else was present to testify in opposition to HB 1244, the hearing was closed.

**Rep. Froseth** moved a do not pass. **Rep. Ekstrom** seconded the motion. **Rep. Thorpe** concurred with the Secretary of State, things are working fine now and do not need to be tweaked. The roll call vote results were 13-1-0. **Rep. Tieman** will carry this bill on the floor.

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1/21/03  
Date

Date: 1/21/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1244

House Industry, Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO NOT PASS.

Motion Made By Froseth Seconded By Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Rep.Boe	✓	
Rep. Severson, Vice-Chair	✓		Rep. Ekstrom	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Froseth	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Kasper	✓				
Rep. Klein	✓	✓			
Rep. Nottlestad	✓				
Rep. Ruby	✓				
Rep. Tieman	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Tieman

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

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Dorena Hallmark 1/21/03  
Operator's Signature Date

**REPORT OF STANDING COMMITTEE (410)**  
January 22, 2003 7:31 a.m.

Module No: HR-12-0680  
Carrier: Tieman  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
HB 1244: Industry, Business and Labor Committee (Rep. Kelsor, Chairman)  
recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).  
HB 1244 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-12-0680

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*Danna Hall*  
Operator's Signature

*10/2/03*  
Date

2003 TESTIMONY

HB 1244

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Deanna G. Hall  
Operator's Signature

10/2/03  
Date



