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Operator's Signature

10/3/03
Date

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2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1305

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1305

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-24-03

Tape Number	Side A	Side B	Meter #
2	x		51.1-end
2		x	0-24.4
Committee Clerk Signature <i>Judy Runke</i>			

Minutes: Chairman Klein: opened the hearing on HB 1305. All committee members were present.

Representative Glassheim: appeared in support of the HB 1305 and stated the intention of 1305 is to close what seems to be a small loop hole but a loop hole none the less in our whole system of open meetings laws. Representative Glassheim passed out newspaper clippings on the sunshine laws. Representative Glassheim stated that the sunshine laws give residents access to all governments records and meetings unless otherwise specified by statute. These laws also give the press the freedom to keep the public informed and our government accountable for its actions. In ND thanks to our sunshine laws we re-enforce who really works for whom. In the second item North Dakotans are lucky because of sunshine laws by Mike Jacobs. Government meetings are opened to the public so are government records, boards and commissions on every level must make agendas available for their meetings and keep complete accurate minutes, record every members vote.

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10/2/03
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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1305

Hearing Date 1-24-03

Sunshine laws actually help public officials, these laws mean that rumors about government have only a short life. They also protect public officials reputations. The origin of this bill seems fairly simple to me. Basically the purpose of the sunshine laws is that the public and the press can have access to meetings.

Representative Amerman: How would this work with counties are school districts that co-op or have something together, how could they vote?

Representative Glassheim: My feeling seems to me that if you have joint powers in place then your jurisdiction is that joint powers agreement. But I don't want the vote on the joint powers agreement to be held in some other jurisdiction, but be in your home jurisdiction.

Chairman Klein: I think you bring up an interesting item for discussion, I have some concerns when you mention when you have these joint areas of power, where do you go when you vote. I think you brought up a good point.

Jack McDonald, ND Newspaper Association, ND Broadcasters Association: appeared in favor of HB 1305 and presented written testimony (SEE ATTACHED TESTIMONY). we support the bill for some of the same reasons you have been discussing. We did have some concerns that I have stated in my testimony. We feel that this is a good bill and a good idea there maybe some amendments you could make that would make it a little more workable.

Wade Williams, ND Association of Counties: I want to testify in favor of 1305, many counties are being advised by their states attorneys and auditors that they need to hold any substantial votes in their commission chambers. In situations where counties have joint boards they would be according to there jurisdictions of the joint powers.

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House Government and Veterans Affairs Committee
Bill/Resolution Number HB 1305
Hearing Date 1-24-03

Bev Nielsen, ND School Board Association: appeared in opposition of HB 1305. There are some concerns of ours. It seems a little over broad to us to take care of people who willfully abuse this current law. There is some confusion among board members and we try to educate them as best we can, when we had the big open meetings push as you recall 6 or so years ago when we re wrote the whole open meeting thing. And it became evident to us that we had to train our board members where 2 or more are gathered, watch out what you talk about. If you have a majority of your board coming to the school board convention, if you want to be safe, tell the public that the board is going to be in Bismarck. We also educated them that when you do these things, you have to publicly notice that you are going to have a committee meeting. We also train them that you don't do business, your just notifying that some of you are together, more then 1 of you are together. If a sports co-op become a public entity, then their borders define where they can have their meetings, we have to be clear, are you talking just about the school board meet within their district boundries or does xyz sports co-op become a public entity in and of themselves, does the special ed. board, does the vo-tech board, they take in serveral school districts, we have some concern because they vote. Some school districts share a Superintendent so what do you do about them, these also raise some concerns.

Representative Meier: would you object to tape recording these meetings?

Bev Nielson: I guess if the law said if you are meeting outside the bounds of your district you should record the conversations, I suppose we wouldn't object to that. If every co-op meetings and every other meeting related to them, we prefer to see that joint powers, co-op agreements with boundries are drawn for the participants that both be considered a public entity and they would meet within the boundries of those combined districts.

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1305

Hearing Date 1-24-03

Representative Haas: stated that we need to clarify and have some definitions of just what we are talking about.

Mary Wahl, ND Council of Educational Leaders: appeared in opposition of HB 1305. We share many of the concerns of the previous speakers. I also agree with Representative Haas and he made a valid point. There are all kinds of arrangements that consist out there and perhaps just what this law is trying to do to each of those entities is what needs to happen. My point is that it would appear that the people out there in the school districts, or city jurisdictions or whatever might be are not particularly worked up about this situation that this bill is trying to address, and so I think that if we could come to some good definitions with regard to jurisdiction and authority when you have to vote, I think the matter could be solved.

Representative Klein: I would like to form a committee and take a look at this bill and I would like Representative Devlin to a look at this bill and see if there is any method to fixing it.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1305

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-31-03

Tape Number	Side A	Side B	Meter #
2	x		53.1-end
2		x	0-6.5
Committee Clerk Signature <i>Joey Banks</i>			

Minutes: Chairman Klein: reopened the hearing on HB 1305. All committee members were present.

Representative Meier: moved to **AMEND** HB 1305 as presented.

Representative Haas: **SECOND** the amendment.

All in favor.

Representative Winrich: Moved to **DO PASS** as amended on HB 1305.

Representative Meier: **SECOND** the motion.

VOTE: 14 YES 0 NO 0 ABSENT.

Motion carried.

Representative Devlin: will carry the bill to the floor.

Meeting adjourned.

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10/2/03
Date

Thursday, January 30, 2003
Rep. Devlin

PROPOSED AMENDMENTS TO HB 1305

Page 1, line 18, remove the underlined period and replace with "; does not hold substantive discussions on matters of its public business at that meeting; and records the meeting electronically or on audiotape or videotape. This recording shall be a public record. For purposes of this subsection, the jurisdiction will include that of any of the public entities that may enter into cooperative agreements or agreements to share personnel or other services.

Renumber accordingly

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10/3/03
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30024.0201
Title.0300

Adopted by the Government and Veterans
Affairs Committee
January 31, 2003

VR
1/31/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1305 GVA 2-03-03

Page 1, line 18, after "meeting" insert "does not hold substantive discussions on matters of its public business at that meeting; and records the meeting electronically or on audiotape or videotape. This recording is a public record and must be retained for at least one hundred twenty days. For purposes of this subsection, the jurisdiction includes any of the public entities that enter a cooperative agreement to share personnel or other services"

Renumber accordingly

Page No. 1

30024.0201

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10/31/03
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17

Date: 1-31-03

Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1306

House GOVERNMENT AND VETERANS AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Morato Amendment to HB 1305

Motion Made By Rep Meier Seconded By Rep. Haas

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemm	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment _____

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

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Lu Costa Rickford 10/3/03
Operator's Signature Date

