

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2065

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee  
Missouri River Room, State Capitol

SB 2065  
January 13, 2011  
12891

Conference Committee

Committee Clerk Signature

*Kate Oliver*

## Explanation or reason for introduction of bill/resolution:

Relating to officer and employee claims for meals.

## Minutes:

No testimony.

**Sharron Loliand:** Controller at the University of North Dakota. I'm here in support of SB 2065. Students and university employees travel together, the best example of this is athletic team trips. Student athletic trips must be designed to engaged students in structured activities to create a well rounded experience for the student as well as keeping in mind the importance of student welfare and security. This means coaches and students are eating many meals in a group setting. Team meals including coaches and students are billed on one invoice. If coaches are required to separate meal costs from student meal costs the paperwork significantly increases and is labor intensive for campus departments and provides no added value. This change is being requested to streamline a process that already requires completion of a report that includes a list of all the members traveling, a detailed invoice of all meals and beverages and a very detailed trip itinerary. Athletic teams are given a budget for each trip and the budget is in line with employee per diem rates and in most cases is lower than the employee per diem rate. This change will allow us to continue with our current process, if not changed the process will become cumbersome and inefficient. This change will be cost neutral for expenditures. I will be happy to answer any questions that you may have.

**Senator Nelson:** Is this an affect of the audit report.

**Sharron Loliand:** Yes it is from our report on team trips.

**Senator Nelson:** The audit was saying that if any coach ate with the team that they needed to file separately?

**Sharron Loliand:** Yes, if a football team travels with a staff of 10 or 20, it got to be very cumbersome and as they are cautions for the budget.

**Senator Nelson:** Is this for the entirety of the trip?

**Sharron Loliand:** Yes. The baseball team that is on the road for 17 days and with 32 players is is hard to keep track

**Vice Chairman Sorvaag:** It's just meals that need to be separate, yes?

**Sharron Loliand:** Normally what happens is that a coach doesn't share a room with an athlete.

**Senator Berry:** Do you see any potential for abuse here?

**Sharron Loliand:** I don't Senator. The way we do it now is that we are not keeping track of who is eating what. All the NCAA regulations they leave for each trip with a budget. In most case it will be under the employee per diem rate & they need to have the receipts to support that.

**Chairman Dever:** All these monies come out of the same account?

**Sharron Loliand:** At University of North Dakota they are budgeted by sport.

**Lynn Dorn:** Director of Women's Athletics at North Dakota State University. As Sharron has alluded there are unattended consequences that we may not be aware of. There are 3 principals; cost containment, accountability, & Human Resources. Cost savings, coaches work hard to save that money. We wouldn't want a travel voucher. All of our athletes might take time to buy groceries and coaches will also enjoy the things that were purchased. Beyond that our per diem that we provide the teams is almost always under the state per diem. It is an area that we want to make certain that our kids are getting good food while still being resourceful. The Human Resources issue, from a day to day operation standpoint it is very labor intensive for coaches, the staff and people in the business office. It is a cumulative affect over the entire season you can see where it would be not as clean in their accounting as we are doing right now. We have a level of accountability that we have receipt must match the advance. It is very important for the coaches to socialize and have conversations outside of the competition. The other thing that we feel strongly about is NCAA compliance. The compliance officer knows who is on the trip and who is traveling with the team. It is a level of scrutiny that we have at that level. Another piece is our gender equity we define the per diem under our OCR agreement, the NCAA knows what coaches and athletic trainers are getting under that agreement; it is that oversight of consistency and

continuity where we can manage by knowing, in advance, who is on the trip and justifying those particular receipts. The current system has proven to be a very good practice for us. With that thank you for the opportunity to speak to you.

**Vice Chairman Sorvaag:** There is a part that has not been addressed: Line 15-19, it is my understanding that if a coach attends an event in Fargo they could still obtain the per diem as it was not there before.

**Lynn Dorn:** Yes, they would do that under a travel voucher or under an approval to attend the convention.

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee  
Missouri River Room, State Capitol

SB 2065  
January 13, 2011  
12892

Conference Committee

Committee Clerk Signature *Kate Oliver*

**Explanation or reason for introduction of bill/resolution:**

Relating to officer and employee claims for meals.

**Minutes:**

No Testimony.

Senator Nelson made a motion for a Do Pass with a second by Vice Chairman Sorvaag. There was no further discussion, roll was taken and the motion passed 7-0 with Senator Cook carrying the bill to the floor.

# FISCAL NOTE

Requested by Legislative Council  
12/23/2010

Bill/Resolution No.: SB 2065

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Unable to determine fiscal impact.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

<b>Name:</b>	Pam Sharp	<b>Agency:</b>	OMB
<b>Phone Number:</b>	701-328-4606	<b>Date Prepared:</b>	12/29/2010

Date: 1-13-11  
Roll Call Vote #: 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Nelson Seconded By Sorvaag

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment Cook

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

**REPORT OF STANDING COMMITTEE**

**SB 2065: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2065 was placed on the Eleventh order on the calendar.



2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2065

# 2011 HOUSE STANDING COMMITTEE MINUTES

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

SB 2065  
March 10, 2011  
15247

Conference Committee

Committee Clerk Signature

*Carmen Hart*

## Explanation or reason for introduction of bill/resolution:

Relating to officer and employee claims for meals

## Minutes:

**Chairman Bette Grande** opened the hearing on SB 2065.

**Sharon Loiland, University of North Dakota controller**, appeared in support. University employees are governed by the North Dakota century code. Students are not. Students and university employees travel together. The best example of this is athletic team trips. Student athletic trips are designed to offer and engage students into structured activities and create a well rounded experience for the student as well in keeping in mind the importance of student welfare and safety. This means coaches, other athletic staff, and students are eating many meals in a group setting. Team meals, including coaches, other athletic staff, and students are billed on one invoice. While the state auditors require coaches and athletic support staff to separate the staff meal costs from the student meal costs, the paperwork significantly increases and is labor intensive for campus departments and provides no added value. This change is being requested to streamline a process that it already includes a completion of a team trip report that includes a list of all the members traveling, a detailed invoice of all the meals, beverages, tips, etc. and a trip itinerary. Athletic teams are given a team travel budget for each trip. The team meal budget is in line with meal per diem rates or, in most cases, is lower than the meal per diem rate. This change will allow us to continue with our current process. If not changed, the auditors will require a process that will become cumbersome and inefficient. The change would be cost neutral for expenditures.

**Chairman Bette Grande:** The university system currently pays for and does all of this. Now we are just looking at a streamlined process of reporting it?

**Sharon Loiland:** As an example, let us say a team goes on a trip and they go out to eat at Applebees. Everyone is told, coaches and everything, they are out of state, you have \$16 for this meal. A coach might order a chicken and a pink lemonade and a player might order a steak and a glass water because he didn't have enough room in his \$16. What we do now is we have the detailed invoice, we match it to the number of people, coaches and players that are traveling, and we are okay to pay this. The auditors are asking us to do is to say this coach ate this chicken and pink lemonade and this player ate this steak and

water which sounds kind of simplistic. Take a baseball team that may go on their spring trip for 17 days and there may be 30 to 32 players so that is about 1,600 meals that we are asking that we don't have to say who ate what on the invoice and that we can just present the whole invoice and approve it for payment.

**Chairman Bette Grande:** What we are looking at is kind of that aggregated bill and as long as it meets the threshold of payment, then we are all good to go. What if it goes over the threshold? What if you have the football team out and they like to have three steak meals after the game and they have gone over the \$16, who pays the difference?

**Sharon Loiland:** Right now there is no limit for student athletes. There is no century code. You are going to have limits imposed by the athletic department. Obviously, they need to be good stewards of their funds and they only have so much budget. They also have to keep in mind gender equity and a lot of NCAA things that are forcing them to not let that happen.

**Rep. Karen Rohr:** I just want to understand this. If this team is in Applebees with the coach, does the coach get one entire bill for the whole group?

**Sharon Loiland:** We get one bill. The coach would put it on his personal credit card or on a university purchasing card or the coach would pay cash depending on the coach and the sport.

**Rep. Karen Rohr:** There is no limitation then to what they can spend? You said \$16 a day per individual.

**Sharon Loiland:** There is no limitation by state law on what the student could spend, but there definitely is a limit put onto them by the university and the athletic team on what they can spend.

**Chairman Bette Grande:** I would assume the university has a policy that I am a senior football player and I am 22 and we are at Applebees and I want to have a couple of beers with mine. That is against policy. There would be no alcohol on the trip, correct?

**Sharon Loiland:** Correct. I am on the financial side for UND. Lynn Dorn from NDSU is on the athletic side and she could speak more to the athletics policies.

**Rep. Lonny Winrich:** The audit trail, what the auditors would look at if this change were made, would be essentially a list of who was on the trip and a list of the meals that were purchased but there wouldn't be the correlation between them. Is that correct?

**Sharon Loiland:** Correct. You wouldn't list who ate what. There has to be a trip itinerary. You have to list every individual that is on the trip. You have to have a detailed invoice that lists everything that was charged on that bill. None of that would change.

**Rep. Karen Rohr:** When you indicate athletic team that is pretty obvious. What other organized groups would this impact?

**Sharon Loiland:** We use athletic teams as an example because it is the one that does the most team trips. Let us say the UND Pride of North Band or a student group from the College of Business was taking their students to Minneapolis to tour different businesses and that type of thing. It would include all student groups.

**Rep. Karen Rohr:** Could a group of teachers, like for professional development activity, fall into this?

**Sharon Loiland:** No, absolutely not. This is just for students.

**Vice Chairman Randy Boehning:** When you are looking at Lines 16-17, or a meal attended at the request of and on behalf of the state or any of its subdivisions, agencies, bureaus, boards, or commissions, how does that fit into athletics?

**Sharon Loiland:** The coach is an employee.

**Vice Chairman Randy Boehning:** What I read is this opens it up to all park boards, school boards, county commissioners, city commissioners, legislators.

**Sharon Loiland:** I don't know if that is any different than what...

**Vice Chairman Randy Boehning:** It is also in Line 21, subdivisions, agencies, bureaus, boards, commissions.

**Sharon Loiland:** What we had asked to be added was in 20-21. I am not sure what was changed in 16-17.

**Vice Chairman Randy Boehning:** When I read that, we open that way up. That opens it up to everything. The city commission could go to Applebees and have a noon lunch. They could turn their meals in for diem.

**Sharon Loiland:** What we are proposing has nothing to do with employees.

**Vice Chairman Randy Boehning:** When you read the language, it opens it up a little bit more for that.

**Sharon Loiland:** I think 16 is if it is included in the conference fee, claims for meals specifically included in a registration fee for a conference, seminar, or other meeting or meal attended at the request of and on behalf of the state or any of its subdivisions.

**Vice Chairman Randy Boehning:** It opens it up a little bit more than that. I have a little bit of a problem with that. If we want to address just the athletic part of it, I don't have so much of a problem with that. On Line 22, actual expenses for the entire group because when you open up actual expenses and then you take out Subsection 2 which applies in the rest of the language—most of the time it is on a quarterly basis. The first quarter is breakfast. You have your lunch and dinner.

**Sharon Loiland:** For employees, correct.

**Chairman Bette Grande:** This doesn't apply to them like that.

**Sharon Loiland:** I can assure you there was by no means any intention for any of this to be changed for an employee traveling on university business. This was just for large groups of students traveling with a couple coaches.

**Vice Chairman Randy Boehning:** When I read into this, it does not apply to Subsection 2. It kind of opens that up. It takes out the quarterly rate on that which is applied to the coaches but not to the students. When you do these reports, would it be hard to separate the coaches and a line item for the students without listing all the meals?

**Sharon Loiland:** That is what the auditors want us to do and that is what we are asking not to do. A good example is the baseball team may go to the grocery store and buy all the sandwiches and they may be eating in the ballpark. The coaches are just going to eat the sandwich and they are not going to pay them per diem.

**Vice Chairman Randy Boehning:** I read in Line 22, actual expenses for the entire group. I see where you are getting at but when you start doing actual expenses and then does not apply Subsection 2—out of state third quarter would be at \$46, like in Minnesota.

**Sharon Loiland:** Correct.

**Vice Chairman Randy Boehning:** When you start doing actual expenses, it is going to be above the allotment for the GSA rate.

**Sharon Loiland:** It could for the students for that whole group invoice. In most times your athletic department has a budget where they are going to have given that coach a budget before they go on that team trip. They know what they have to spend.

**Vice Chairman Randy Boehning:** I guess I understand they know what they have to spend, but when you start taking out the language, does not apply to Subsection 2, because we are allowed so much for breakfast, lunch, and dinner. If your dinner meal should be \$16, you could have a \$20 meal and it would be paid for.

**Sharon Loiland:** If you are the coach and you were with a team and if the athletic department had given that team a budget that was over the GSA rate when they are traveling out of state, yes that could happen. In practice athletic departments don't have that kind of money to be able to do that. That is what we are asking is that doesn't happen in our business practice but to be able to prove that coach stayed within that per diem, the paperwork is just tremendous and the benefit is not really...

**Vice Chairman Randy Boehning:** You are saying it is paperwork nightmare. What I would recommend is say there are five coaches, this is what the coaches did and this is what the students did. Underneath our rules and regulations I think if we just draw up the coaches separately and the players without doing a line item but just do the total number. There are five coaches and the meal was \$65.

**Sharon Loiland:** We do that at UND and they didn't allow us. We still got written up. Let's say we had a total invoice, divided it by the number of people on the itinerary which would include all the players and all the coaches, and we came in at \$15.95 and the per diem rate was at \$16 but we were still written up for that. That wasn't enough documentation to show that the coaches were under the per diem rate. With NCAA compliance you probably have at least four approvals, reviews of that invoice, even before it comes centrally to be paid.

**Rep. Gary Paur:** Rep. Boehning's concern with Lines 16-17, those provisions are in the beginning of the paragraph on Lines 7, etc. It sounds like it is just a clarification that the original statute deals with that. It is not a broadening. It is just a restatement of what was stated earlier. Is that true?

**Sharon Loiland:** Correct. I agree.

**Chairman Bette Grande:** I have a question regarding Line 17. When we put that language in, it is conferences and seminars but I thought we were dealing with athletes. This is broader than that. That would maybe mean debate teams or are we dealing with a broader portion to that?

**Sharon Loiland:** We wouldn't treat any student group differently and so just because you are an athletic team, we would follow the same rules for a debate team.

**Rep. Lonny Winrich:** Similarly to what Rep. Paur said the sentence that Rep. Boehning is so concerned about has to be read in its entirety. It pertains to meals which are included in the registration fee of conferences when they are in the city in which the attendant resides. It is a very special situation and certainly not the kind of general permission that Rep. Boehning is suggesting.

**Chairman Bette Grande:** I don't want to debate the bill right now. I want to hear the bill.

**Vice Chairman Randy Boehning:** Rep. Winrich, where we have seminar that is understandable. Then we have or other meeting. That language that follows is what concerns me.

**Pat Seaworth, General Counsel for the State Board of Higher Education and University System,** appeared. I want to respond to a couple of the questions that have been raised. Regarding the added language in Lines 16-18 I agree with the explanation that has been offered by a couple committee members. That doesn't change the meaning of those sentences at all. All that does is clarifies that a meal that is attended at the direction of a group, a board, a commission, whatever, is really equivalent to a meeting. If you are directed to meet with folks for a luncheon to discuss something in the city at which you normally work, this provision still applies even though it is not part of a formal conference or seminar or a formal meeting. With respect to the other point about per diem limits on employees, I want to be sure that everyone understands that the intent is to, as was stated students are not subject to any limitation. They are subject to budgetary limitations. All the institutions have travel budgets for their teams, the bands, whatever it is, so that limits what they can spend. Employees are limited. I want you to understand the

intent of this amendment here would be to exempt employees who attend a team meal from those statutory limitations for the reasons that Sharon explained. You may have 20 or 30 or more people. She mentioned a baseball team. If it is a football team, you may have 70 or 80 individuals at a team meal and what the auditors have been insisting is that you folks have to keep track of what each individual coach or employee consumes at that meal and document that separately. You may have 60 student athletes and 15 coaches and trainers. You have to document what those 15 employees consume, document that separately, verify a document that what they consumed does not exceed the per diem limits for the quarter. As Sharon explained, that is problematic because that means someone has to go around the table and keep track of what everyone consumes instead of just paying one bill with 75 meals on it. Ninety nine percent of the time it is not an issue because what employees consume doesn't exceed the per diem limits. Once in awhile it does. As an example, a lot of times because of the timing of a game, the team may eat its main meal at an odd time. Let us say there is an afternoon or early evening game. There may be a team meal at one or two o'clock in the afternoon which is the main meal of the day and the players and the coaches order, in effect they eat dinner at one or two o'clock in the afternoon, entrees at \$15. The per diem for the lunch would apply because of the time that meal is consumed. That might be \$10 or \$12 yet the charge was \$15 for the employees. That is one of the problems that the teams encounter. That is why the intent is to exempt the organized team meals from that limitation. The team may have a four or five o'clock game. Most often they will get on the bus and stop at a fast food or a convenient store and pick up snacks and everyone might spend \$5 or \$6 for the dinner meal even though the per diem limit for that meal might be \$15 or \$20. That same language is repeated in Lines 21-22. We are only concerned about the higher education institutions and the team meals, other organized group meals. If you are concerned about limiting that and making that clear, we don't have any problem if you want to limit that to substitute language stating that this applies only to higher education institution team or other organized group meals.

**Chairman Bette Grande:** One of the other scenarios that comes to mind I just remember a lot of times we would be at an event as a trainer for UND and I am traveling and we would come back to the locker room after field hockey and we would have subs and salad and everything all lined up in there. Coaches and trainers ate with the team, but how do you break out cost on an individual? This makes sense. You can't really break off that employees' meal off of a catered in event.

**Vice Chairman Randy Boehning:** I would like to see some language in there to apply just to athletic teams and then they can't exceed the daily rate. They can't exceed what the GSA rate is in that state.

**Pat Seaworth:** That is problematic and the intent is to do exactly the opposite, to permit us to pay for a team meal without documenting individual expenses for employees and with the understanding that once in awhile what an individual employee consumed may exceed that per diem limitation. Again, the reason is that it may happen once in a great while. In Lines 20-21 if you want to say if a university system athletic team or other organized group meals attended at the request of and on behalf of the institution, I would be happy to draft that for the committee.

**Lynn Dorn, North Dakota State University athletics**, appeared. I will see if I can do some clarification on behalf of both of our athletics programs. I think we have identified some critical issues and points of emphasis that do impact athletic programs and I think perhaps for me the opportunity to talk about cost containment, resources in terms of savings, in terms of human resources, and then accountability. What is significant to us is that as a steward of the university it is imperative to us that we really do control our budgets. I would venture to say it is very seldom that we reach the maximum permitted whatever state we are traveling in. In fact, we impose a \$30 or \$35 limit no matter where we are traveling. We do that for cost savings. If Minnesota is \$46, our student athletes don't get \$46. Our coaches don't get \$46. This is a way to enforce, if you will, accountability and good stewardship. Our coaches work very hard to make certain that quality meals are being served and we try to really avoid the fast foods. You are right. We certainly do go out and grab a sandwich at a subway and try to best accommodate the needs of the student athletes. Cost savings is really important to us in that we try to stay well below what perhaps the states are allocating. As Mr. Seaworth suggested, that isn't always possible. There are occasions without reservation that during the various quarters of time we are going to exceed that particular dollar amount. There are other things within the athletics program and one would be a guarantee. Schools that we visit with often provide us, particularly in women's athletics, a meal. That is an exchange. We go to the University of Iowa and we compete and they say okay women's volleyball, we are going to give you two free meals. We are responsible, in my mind's eye, to take that guarantee, use it, and we certainly are going to have the coaches eat those meals as well. We would not document it. We also know that many times there is a continental breakfast that is included in the opportunities for us to stay in a hotel. We work very hard on making certain that we are doing a responsible job in taking care of all of our budgets. The other one that we talked about was really the human resource savings. It is incredibly labor intensive to try to document individual receipts. You heard the example of a football team. They probably only eat two or three meals on a trip but just to take that staff, have an individual be accountable for it, and then take that paperwork back to your business office really, in my mind's eye, isn't very efficient and it is not adding any value because the controls that you have to have from a gender equity perspective on your campus, a NCAA compliance standpoint, isn't going to let that happen. Our football team we certainly know is probably going to eat more than the women's basketball team. That doesn't matter. The women's basketball team per diem, the men's golf team per diem, we try very hard in our gender equity plan to make sure that happens. We don't entitle our coaches on the men's side to eat more because they are coaching men's sports. It is a gender equity plan that is very well defined and this is the way in which we look to balance that. In terms of programmatically, that is very sound for us. It is very defensible for us to make certain that the coaches are with their teams. We value their participation. We believe it is their responsibility in oversight to be with the kids when they are eating team meals. I think for them not to join us might be an outcome if they have to have a separate voucher or separate bill. In addition, I talked about accountability. That really is part of the proven success of this program that is currently in place where the coaches and the staff are incorporated in the master ledger.

**Chairman Bette Grande:** My only question is about organized groups. Does that mean club hockey is going to get their meals paid for some time?



**Lynn Dorn:** Each organization on campus is allocated dollars through the student organizations. I don't know what their per diem is going to be.

**Chairman Bette Grande:** Just checking because I know I have had to help book the hotel rooms and they are told to limit their hotels. It is below state rate what they are being asked to book their hotel rooms for. What is interesting is other states when they travel will not honor them as a NDSU team because they are a club team so they can't even apply for nor ask for a state rate which has been really difficult with their budgets.

**Lynn Dorn:** I appreciate that. We had a good conversation with the members of both the men's and women's hockey clubs.

There was no one in opposition or neutral to this bill.

The hearing was closed.

# 2011 HOUSE STANDING COMMITTEE MINUTES

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

SB 2065  
March 17, 2011  
15632

Conference Committee

Committee Clerk Signature *Carmen Had*

## Explanation or reason for introduction of bill/resolution:

Relating to officer and employee claims for meals

## Minutes:

**Chairman Bette Grande** opened the discussion on SB 2065.

**Vice Chairman Randy Boehning** explained the amendment. **Attachment 1.** This was the bill that was dealing with higher ed. and students, football teams, basketball teams, band, track, and whatever intramural sports identified. I talked with Pat Seaworth, the attorney from higher ed. and he approved of these amendments. It is going to take out the underlined material on Lines 16-18. Line 20, and will be replaced with a board of higher education. Line 20, it will replace organize with institution organization. Line 21, it will remove state or any subdivisions, agencies, bureaus, boards, or. Line 22, replace commissions with institutions. With this language it is applied to higher ed. and their institution organizations and not any other subdivisions, agencies, or bureaus.

**Chairman Bette Grande:** On Line 20 you put in the word institutional organizations. Have you just eliminated the club teams?

**Vice Chairman Randy Boehning:** I do not believe so. This is the wording that I got from higher ed. I would think institution organization would be anything that they have as organizations within the institution. I don't know how club teams get reimbursed.

**Chairman Bette Grande:** Students raise the money.

**Vice Chairman Randy Boehning:** Then this would not apply to them at all. The students are exempt basically from the per diem rate that state employees are. Are the coaches being paid on club supports? Is that money raised as well?

**Chairman Bette Grande:** I would have to check on how the coaches are paid. They are paid so little and they don't get much for food. They had potlucks and stayed in family members' houses when they traveled.

**Vice Chairman Randy Boehning:** I would guess that this would not apply to them at all. I would move amendment 01002.

**Rep. Lisa Meier** seconded the motion.

**Rep. Lonny Winrich:** The intent here is to limit this to the institutions that are under the board of higher education?

**Vice Chairman Randy Boehning:** That is the intent of this. It only applies to higher ed. so to the 11 colleges.

**Rep. Lonny Winrich:** Mr. Seaworth drafted this?

**Vice Chairman Randy Boehning:** He did. The only thing that I added (some inaudible)

**Rep. Lonny Winrich:** (some inaudible) legislative council and I go to a conference representing the legislative council and legislature. I am not covered. Occasionally conferences like that, the meals are part of the registration fee. It would seem to me that we are saying you can't recover that expense if it is over the first, second, third quarter restrictions or something.

**Vice Chairman Randy Boehning:** I think they would be covered anyway because if the meals are included in the conference, they would be able to claim the meal that wasn't included in the conference on the per diem.

**Chairman Bette Grande:** Rep. Winrich, I think you are onto something here and I would like to counsel to look over these amendments. I think we are missing something. I am real hesitant on the institutional organization because currently the larger universities are trying to help out their club teams with some reimbursement. It is not as much as the other teams get, but I would hate to exclude them because it already is a challenge to participate in those sports. Let us hold on this and Rep. Winrich if you want to check to make sure we haven't eliminated legislative council. I am going to call Ms. Dorn to find out about this language here.

**Vice Chairman Randy Boehning** withdrew his motion.

**Rep. Lisa Meier** withdrew her second.

**Vice Chairman Randy Boehning:** We may have to talk to Mr. Seaworth about what the institution organization is. Club teams never came up.

Discussion ended on this bill.

# 2011 HOUSE STANDING COMMITTEE MINUTES

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

SB 2065  
March 18, 2011  
15694

Conference Committee

Committee Clerk Signature

*Carmen Hart*

## Explanation or reason for introduction of bill/resolution:

Relating to officer and employee claims for meals

## Minutes:

**Chairman Bette Grande** opened the discussion on SB 2065.

**Rep. Lonny Winrich:** I did talk with John Bjornson who was the one who drafted Rep. Boehning's amendment and specifically raised the question about striking the language on Lines 16-18. That is covered in other sections of the law and he assured me that this pertains to the board of higher education essentially and if he, for example, would attend the North Dakota Bar Association's meeting here in Bismarck and there was a registration fee for the conference which covered meals, there would be no problem in having that paid.

**Chairman Bette Grande:** Did you happen to find out about organized groups?

**Vice Chairman Randy Boehning:** I am still waiting to hear from Mr. Seaworth.

**Chairman Bette Grande:** I am uncomfortable with putting the word institution there. On the personal level, NDSU's groups that are going out and they are not the organized sports and it would be the men's and women's club hockey teams or one of those groups where they are going as representatives of NDSU and they shouldn't be cut out on their reimbursement because of it.

**Rep. Lonny Winrich:** After thinking about that I can't really assure this I guess. I strongly suspect that the money that supports those teams is coming from the student government and the student activity fees that they administer and not part of the university budget. This pertains to the university budget.

**Chairman Bette Grande:** They have to go in front of Ms. Dorn and the head athletic director at NDSU and ask for reimbursement of their travel, hotel, and meals. They don't get very much. To supplement that, they have to do fundraisers. They pay \$500 to play on the team. I don't know if it is a match or how they do it, but they set up something for them.

**Vice Chairman Randy Boehning:** What happens if we leave just organized in there?

**Chairman Bette Grande:** Yes. Looking on his amendment, Page 1, Line 20, and strike that out of his amendment.

**Vice Chairman Randy Boehning:** Just remove institution organization.

**Chairman Bette Grande:** It will say if a board of higher education athletic team or other organized group meal is attended at the request of

**Rep. Gary Paur:** Should a board of higher education, should that be apostrophe s?

**Chairman Bette Grande:** A board of higher education is a single entity. They own the athletic team? Oh, I wasn't finishing the sentence. That is on Line 20 after education, put apostrophe s so that they own the athletic team.

**Rep. Lonny Winrich:** I am a little bothered by that because the athletic team is actually UND's or NDSU's athletic team. The board of higher education is the umbrella agency. I am more comfortable with just saying board of higher education.

**Chairman Bette Grande:** This is only dealing with board of higher education. Why do we have to have that language in here? We already know that we are only dealing with higher ed. here.

**Rep. Lonny Winrich:** As I understand, it came from Pat Seaworth.

**Vice Chairman Randy Boehning:** The only thing that didn't come from Pat Seaworth would have been where we amended out on 16-18, but I ran that by him and he was okay with that.

**Chairman Bette Grande:** I still go back to what Mr. Bjornson said and this section is the board of higher education so why do we have to include that language there?

**Vice Chairman Randy Boehning:** I think it is specific to higher ed. and to the higher ed. teams and so forth. On Line 24, Subsection 2 does not apply.

**Chairman Bette Grande:** Then it should say something if an athletic team under...

**Vice Chairman Randy Boehning:** This just doesn't apply to athletic. It applies to all...

**Chairman Bette Grande:** We get to that. Or other, it comes up next. If an athletic team under the university systems but the board of higher ed. doesn't have an athletic team.

**Rep. Lonny Winrich:** I would suggest if an athletic team or other organized group...

**Chairman Bette Grande:** Representing higher education

**Rep. Lonny Winrich:** Representing an institution under the control of the board of higher education, except that doesn't work with the rest of the sentence.

**Rep. Mark Sanford:** Could you consider just leaving out board and simply saying that the higher education team or other organized clubs? Higher education covers the 11 institutions.

**Chairman Bette Grande:** Read it to me.

**Rep. Mark Sanford:** If a higher education athletic team or other organized group meal

**Chairman Bette Grande:** That becomes palatable. The amendment in front of us has the change on Line 16-18 where we are removing the underlined language. We go onto Line 20 and it would replace an with if a higher education. We are not going to use the second Line 20. Line 21, removing that language. Line 22, replacing commissions with institution.

**Vice Chairman Randy Boehning:** I will move amendments 01002 as amended.

**Rep. Mark Sanford** seconded the motion.

**A voice vote was taken to accept the amendment. Motion carried.**

**Vice Chairman Randy Boehning** moved a Do pass as amended.

**Rep. Lonny Winrich** seconded the motion.

**DO PASS AS AMENDED, 13 YEAS, 0 NAYS. Vice Chairman Randy Boehning is the carrier of this bill.**

11.8041.01002  
Title.

Prepared by the Legislative Council staff for  
Representative Boehning  
March 15, 2011

*Attachment*  
1  
*2065*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2065

Page 1, line 16, remove "or meal attended at the request of and"

Page 1, remove line 17

Page 1, line 18, remove "commissions"

Page 1, line 20, replace "an" with "a board of higher education"

Page 1, line 20, replace "organized" with "institution organization"

Page 1, line 21, remove "state or any of its subdivisions, agencies, bureaus, boards, or"

Page 1, line 22, replace "commissions" with "institution"

Renumber accordingly

Date: 3-17-11  
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2665

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number 01002

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Boehning Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Motion to  
accept amendment  
& later  
withdraw*



VK  
3/18/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2065

Page 1, line 16, remove "or meal attended at the request of and"

Page 1, remove line 17

Page 1, line 18, remove "commissions"

Page 1, line 20, replace "an" with "a higher education"

Page 1, line 21, remove "state or any of its subdivisions, agencies, bureaus, boards, or"

Page 1, line 22, replace "commissions" with "institution"

Renumber accordingly

Date: 5-18-11  
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2065

House GOVERNMENT AND VETERAN AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_ 01002 amended

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Boehning Seconded By Sanford

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Vote sole to  
adopt  
amendment  
motion  
carried*

Date: 3-18-11  
 Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2065

House GOVERNMENT AND VETERAN 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 Boehning Seconded By Winrich

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg	✓	
Glen Froseth	✓		Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Boehning

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

REPORT OF STANDING COMMITTEE

**SB 2065: Government and Veterans Affairs Committee (Rep. Grande, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed  
on the Sixth order on the calendar.

Page 1, line 16, remove "or meal attended at the request of and"

Page 1, remove line 17

Page 1, line 18, remove "commissions"

Page 1, line 20, replace "an" with "a higher education"

Page 1, line 21, remove "state or any of its subdivisions, agencies, bureaus, boards, or"

Page 1, line 22, replace "commissions" with "institution"

Renumber accordingly

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

SB 2065

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee  
Missouri River Room, State Capitol

SB 2065  
April 7, 2011  
16426

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to officer and employee claims for meals

## Minutes:

*No testimony attached.*

Senator Berry called the conference committee on SB 2065 to order, roll was taken, and all committee members were present.

**Representative Boehning:** One of the concerns that we had on the House side is that it really opened it up with the language that is in there to allow pretty much all political subdivisions to do whatever they wanted with meals. Line 22 subsection 2 does not apply, this is meant for athletic teams but it was pretty much set up for all political subdivisions, agencies, beuareas. But subsection 2 would allow an exemption that whatever the meal costs, that is what you would get reimbursed for. The amendments that are in here are higher education's amendments.

**Senator Berry:** If we allow the new language, then it is not changed.

**Representative Boehning:** The only thing that has changed is state of any other subdivisions.

**Representative Winrich:** The problems is the language that is in there, subsection 2 which is the schedule for meals, doesn't apply to political subdivisions, that's why it was taken out.

**Representative Boehning:** Being on the park board they can call themselves into a meeting at a Denny's or a Red Lobster and if this language in the original bill would have gone into affect they would have been able to order anything on the menu and be reimbursed 100% for it verses what would be allowed in current law.

**Senator Berry:** I am a simple man and not an argumentative man; I just want to pass out a good bill basically what you are saying is that the amendments were put in place in order to tighten that up.

**Representative Boehning:** Correct. They may have one meal and it might be \$15 so there would be a differential on who would get paid what.

**Senator Sorvaag:** That was how it was first presented to us as bookkeeping for a team. That was my understanding when they brought it in.

**Senator Berry:** I tell you if I could have just a little time to look over what is being presented here.

A motion was made by Senator Sorvaag to accede to the House amendment with a second by Senator Nelson, there was no further discussion, roll was taken, the motion passed with Senator Berry and Representative Boehning carrying the bills to their respective floors.

# 2011 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Government + Veterans Affairs

Bill/Resolution No. 2065 as (re) engrossed

Date: 4-7-11

Roll Call Vote #: 1

- Action Taken**
- SENATE accede to House amendments
  - SENATE accede to House amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ page(s) \_\_\_\_\_

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar

Motion Made by: Sawyer Seconded by: Nelson

Senators				Representatives				
	Yes	No		Yes	No		Yes	No
Benny	X			Behning			X	
Sawyer	X			Samford			X	
Nelson	X			Winick			X	

Vote Count: Yes 6 No 0 Absent \_\_\_\_\_

Senate Carrier Benny House Carrier Behning

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment



**REPORT OF CONFERENCE COMMITTEE**

**SB 2065:** Your conference committee (Sens. Berry, Nelson, Sorvaag and Reps. Boehning, Sanford, Winrich) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 874-875 and place SB 2065 on the Seventh order.

SB 2065 was placed on the Seventh order of business on the calendar.