

2015 HOUSE POLITICAL SUBDIVISIONS

HB 1213

2015 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Prairie Room, State Capitol

HB 1213
1/22/2015
22388

- Subcommittee
 Conference Committee

Amanda Muscha

Explanation or reason for introduction of bill/resolution:

Relating to eligibility requirements for appointive offices

Minutes:

Chairman Klemin: Opened the hearing on HB 1213

Representative Owens: The bill references the appointment to the numerous boards we have. It seems that in every case these boards administer in some way the century code. They are appointed and not elected and it seems odd that they would have to members of those boards act in good faith and in many times they create and administrate rules which carry the force of law; yet in some cases some people on these boards would not like to follow the existing laws. If you are appointed to a board you have your basic requirements. You need to follow that law that you want to impose on the other people.

Representative Kelsh: If one of these three conditions came up after being appointed, would they be unappointed?

Representative Owens: I would suggest an amendment. For some reason things happen sometimes and you fall behind in your taxes and you can bring them back up. In my opinion though they should resign at that point.

Representative Anderson: Section 2 B has pending misdemeanor and felony charges. Aren't we innocent until proven guilty?

Representative Owens: It depends what coalition what you're talking to but yes. You guys can decide on that. If you're going to appoint them and then they are charged now we go back to the issue of pulling them back off rather than putting them there to begin with until the issue is resolved.

Representative Strinden: What is the procedure now for kicking someone out of appointed office?

Representative Owens: This isn't about kicking someone out. Each board has other requirements and I cannot answer that. They have their own requirements for appointing and removing.

Representative Oversen: On A and B, so if they are convicted of a felony they are barred, but a pending misdemeanor so that if they are not convicted of the misdemeanor they are not barred in the long. Should we make those two sections parallel? So that misdemeanors are included or not included in A and B?

Representative Owens: I struggled with this too. The suggestion by Representative Kelsh was good. I just asked it to be drafted so we could have this discussion.

Representative Koppelman: Is that a life time ban?

Representative Owens: I didn't have all the answers putting this together. I was thinking yes but that would be rough? It is up to you in the end. I wasn't looking passed the you need this experience. You can't be appointed accept..

Representative Koppelman: If someone is looking at list of potential appointees and one has a felony from 20 years ago is there any discretion there? Should people be concerned/aware of special assessments?

Representative Owens: It is really the focus or idea that I thought we needed a rule to bar some of the appointees.

Representative Kelsh: Is a speeding ticket a misdemeanor?

Representative Owens: It is called a noncriminal infraction or fee unless it gets to reckless driving repeatedly. Speeding itself is not a misdemeanor.

Chairman Klemin: On line 13 letter C, is delinquent on a local, state, or federal tax special assessments. How would we know?

Representative Owens: Generally it is easy enough to find out about property tax because it is public record. Special assessments would be public record. Federal income tax would be very difficult. State income tax is only difficult because of the confidentiality even for us as district officers of the state to acquire information from the tax department. Admittedly it might be a little. Example we are going to put someone on the special assessments board that hasn't paid their property taxes in 3 years and stays 3 years in the rear. Is that legal? Technically they are behind in property tax and technically it is legal but because every town ship has the ability to levy up to 5 mills contingency on everybody else that pays their property tax on time; the fact that this person who is about to be put on the special assessments board pays their property tax late they are already costing every citizen in that political subdivision an extra 5 mills. Not by themselves but they are a part of the group that does. Why if somebody thinks so little of their actions of their neighbors would I want them on the special assessment board? I find that hypocritical.

Chairman Klemin: In some of those cases where an elected state official or governing who has been elected, don't we expect them to exercise god judgment in the function of their

duties in appointing people to points of offices and why should we be substituting their our judgment for theirs in this situation.

Representative Owens: First question yes, second question they haven't been doing it.

Chairman Klemin: What kind of local taxes would a person be delinquent on that would keep them from being appointed?

Representative Owens: That was a preventive strike that could be local income tax which we haven't gone to yet but it does exist in some places in the US. I do not recommend it but I already listed property tax didn't I?

Chairman Klemin: You do not. Local, state, or federal tax.

Representative Owens: Well that would be the property tax. Local taxes.

Chairman Klemin: So for example I know my sales tax is due by January 31st and if I do not do it by then have to pay a late fee. Does that mean I cannot be appointed to an office?

Representative Owens: Is that you or the business?

Chairman Klemin: Let's say that's me.

Representative Owens: Well is there a proprietary business or is an LLC, or a cooperation that limits your liability? All of that matters; I could see all of that being included in the argument over who exactly delinquent?

Representative Klemin: The point is how far down do we go on these things to what because there are sometimes a person may be a delinquent while they are protesting something. Technically they are delinquent during that time and when the issue is decided they cure that delinquency. So during that time when they are protesting something when they are protesting something in good faith they would not be available for appointment?

Representative Owens: I do not disagree with your comments in framing of that situation although that falls in under the same situation. My opinion in item B, which is pending, which means once it is cleared up then you, can be appointed.

Representative Strinden: Could you demonstrate that this is a problem in North Dakota? If this were to pass now would there people currently serving be removed or would it take affect to only new.

Representative Owens: I do not know about every board but in some places yes. For your second question I did not put it in the bill so you could discuss it.

Representative Klein: This delinquent tax thing is, sometimes those delays take 2-3 years, but another case let's say I order a case of wine through the internet and do not pay sales tax, I would fit into that category.

Representative Owens: How would I know you're delinquent on that case of wine? We're talking about delinquency in property tax, not paying on time in the income tax; it is evident that you're delinquent.

Representative Anderson: So if I am late on my property taxes I can still be elected?

Representative Owens: This is for appointed not elected. People don't get to choose who is appointed and that is where we have the problem.

Representative Anderson: So we are holding appointed people to a higher standard?

Representative Owens: No, what I am saying is people have a choice with elected people; they do not have a choice who is appointed.

Representative Koppelman: It says a person is not eligible for any position it doesn't say a person may not be appointed of that position. I am wondering if the language in the bill doesn't cover even something that would come up after being appointed you lose your eligibility for that to serve in that capacity? I not sure if legally it does that but it's something you could ask.

Representative Owens: I thought about it, I didn't discuss it with them.

Chairman Klemin: I am surprised legislative council drafted this bill with using the word person rather than their word individual which is usually what they correct everything to. In fact they usually take the opportunity to correct a word person in an existing law if it is there like in line 7.

Representative Owens: I didn't write this I just said this is what I am thinking.

Representative Hatlestad: On B with pending misdemeanor if that is serious enough to keep a person off why is it not included in A? Secondly on C why not just put it on the form is you delinquent and if they lie then you can their case too?

Representative Owens: It was my intent that it said misdemeanor. I overlooked that when I got the bill. It was my intent that it said felony or misdemeanor, convicted of.

Representative Hatlestad: On the last part then, couldn't the form that you would have them fill out background information ask C as a question?

Representative Owens: I wasn't going to figure out how they apply. I was talking about the people who decide who they are going to appoint and what they may consider is what the bill is designed for.

Representative Kelsh: If you go under eligibility, a person is not eligible to any position to which a state officer governing body to which a political subdivision may make an appointment. I do not think that would cover the person who did this after he was appointed.

Representative Owens: I would refer to the committee on that. I just figured we would discuss it here. If it is taxes they should be given time to correct it before they are kicked out the door.

Chairman Klemin: Closed the hearing on HB 1213

Chairman Klemin: Reopened the hearing on HB1213

Representative Anderson: Made a motion to do not pass

Representative Koppelman: I would like to propose to find an amendment

Chairman Klemin: Representative Anderson would you withdraw your motion?

Representative Anderson: I will but the definition of misdemeanor cover everything.

Chairman Klemin: Closed the hearing on HB 1213

2015 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Prairie Room, State Capitol

1213
1/29/2015
22813

- Subcommittee
 Conference Committee

Amanda Muscha

Explanation or reason for introduction of bill/resolution:

Relating to eligibility requirements for appointive offices.

Minutes:

Representative Koppelman Testimony #1

Chairman Klemin: Opened the hearing on HB 1213

Representative Koppelman: Testimony #1

Chairman Klemin: Line 10 there is a person that is not changed

Representative Koppelman: You caught a mistake, and I would move the amendment

Representative Beadle: Second

Representative Zubke: If you have been convicted of a felony and have served your time and have been released haven't you have paid your debt to society and would this conflict with that reasoning?

Representative Koppelman: That is one thought, but all of us are aware that a criminal record does follow you.

A Voice Vote was Taken: All in favor

The amendments are passed

Representative Hatlestad: Motioned to pass as amended

Representative Beadle: Second

Representative Strinden: The bill has merit, but I will not support. Your debt has been paid.

A Roll Call Vote was Taken: Yes 10, No 3, Absent 1 (Klein)

Passed as amended

House Political Subdivisions Committee

HB1213

1/29/2015

Page 2

Representative Koppelman will carry the bill

January 29, 2015

HO
1-29-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1213

Page 1, line 7, overstrike "person" and insert immediately thereafter "individual"

Page 1, line 8, overstrike "person" and insert immediately thereafter "individual"

Page 1, line 9, replace "A person" with "An individual"

Page 1, line 9, replace the first "for" with "to serve in"

Page 1, line 10, remove "person:"

Page 1, line 11, replace "a. Has" with "individual has"

Page 1, line 11, remove the underscored semicolon

Page 1, remove line 12

Page 1, line 13, replace "c. Is delinquent on any local, state, or federal taxes or special assessments" with "within the past fifteen years"

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1213**

House Political Subdivisions Committee

Subcommittee Conference Committee

Amendment LC# or Description: 15.0444.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Other Actions: Reconsider _____

Motion Made By Koppelman Seconded By Beadle

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					
	Voice			Voice	

Total (Yes) 14 No 0

Absent 0

Floor Assignment _____

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

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1213**

House Political Subdivisions Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Hatlestad Seconded By Beadle

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin	X		Rep. Pamela Anderson		X
Vice Chair Patrick R. Hatlestad	X		Rep. Jerry Kelsh	X	
Rep. Thomas Beadle	X		Rep. Kylie Oversen		X
Rep. Rich S. Becker	X		Rep. Marie Strinden		X
Rep. Matthew M. Klein	---				
Rep. Kim Koppelman	X				
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos	X				
Rep. Nathan Toman	X				
Rep. Denton Zubke	X				

Total (Yes) 10 No 3

Absent 1 Klein

Floor Assignment Koppelman

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

REPORT OF STANDING COMMITTEE

HB 1213: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1213 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "person" and insert immediately thereafter "individual"

Page 1, line 8, overstrike "person" and insert immediately thereafter "individual"

Page 1, line 9, replace "A person" with "An individual"

Page 1, line 9, replace the first "for" with "to serve in"

Page 1, line 10, remove "person:"

Page 1, line 11, replace "a. Has" with "individual has"

Page 1, line 11, remove the underscored semicolon

Page 1, remove line 12

Page 1, line 13, replace "c. Is delinquent on any local, state, or federal taxes or special assessments" with "within the past fifteen years"

Renumber accordingly

2015 SENATE POLITICAL SUBDIVISIONS

HB 1213

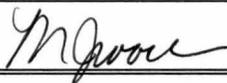
2015 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB 1213
3/27/2015
Job Number 25536

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to eligibility requirements for appointive offices

Minutes:

"Click to enter attachment information."

Chairman Burckhard opened the hearing on HB 1213. All senators were present.

Rep. Mark Owens sometimes very subjected and what happened was there were a number of boards that take action. They actually cost the taxpayer more money through what they approve or through the actions they recommend to the governing body in many cases. So originally I put in the bill for a situation if you were a convicted felon, or appointed or if you were behind on your taxes. It seemed absurd to me that you won't pay your taxes or follow your laws or the law of the state and reference to paying your taxes yet, you could be appointed to a board where you cost the other taxpayers money. Now the House took that part out and that was one of the primary reasons I had brought it just to let you know what brought the bill to begin with. But they did feel that due to the requirements of elected office that we should have something in there for appointed office on felonies. I will stand for any questions that I might try to answer.

Senator Anderson Is 15 years the standard that we have in the statute for being elected?

Rep. Mark Owens That was the Judiciary committee's, they came up with 15 years because it mimic what we've had in the statute for some other, not just elected but for some other situations as well.

Senator Anderson As an example the North Dakota state law says that if my pharmacy board pulls somebody's license five years after that action is taken they have an automatic right to reapply for a license. I am wondering as we're always trying to rehabilitate people and get them back to work and get them into service, I am wondering would I be better off leaving it to the local people appointing than we are to say categorically your out!

Rep. Mark Owens That was a discussion they had on the House side Judiciary. It went back and forth but then to examine all the rules and regulations that we had in there for elected office and some of them but what was presented on the floor by the Chairman was they ranged from 10-15 years. There were some that were 10, and some that were 15 and

their committee had settled on 15. As I said before this still has no effect on the issue I personally had a problem with, somebody who won't pay their taxes yet they are on a board where they cause other people. That was beside the point. That's what the body had decided was best for the state at the time.

Senator Grabinger Last session we had a bill that went through Judiciary and it kind of dealt with this in the same way because the problem I remember, anyway many of our smaller communities have a hard time filling the boards and getting volunteers to serve on these boards. The request was to allow people to be appointed even though they may have had a felony a few years ago. Now you're putting the 15 year tab on it and I am wondering if that might make it more difficult for some of our smaller communities because of what I remember from that discussion.

Rep. Mark Owens That discussion did come up in Judiciary and I learned they did talk about that. Just to let you know, my original bill said "a felony or you didn't pay your taxes" and you could never do it. So I was more restrictive than 15, just to let you know. So that discussion did come up and that's where they again took out my delinquent tax issue and turned around and put a time limit on it for that very reason, the 15 years. Why they picked the 15 years I was not in the discussion so I can't tell you what their decision factor was as far as the committee deciding on 15 years. I didn't stay for the whole discussion or the committee work later on.

Senator Bekkedahl My question deals with we have zero tolerance for certain felony convictions because we are dealing with children and their care, and we do background checks on every one of our volunteers, anyone who has exposure to the kids or the programs and if there is a felony conviction in there, it comes up as a hit, and it is put before an appeals committee if the party wants to appeal that issue. There are many times where someone at 18 did something stupid and he's now in his 50's and has kids playing hockey and got a felony conviction at 18 for smoking pot. Is that going to keep him out of hockey for the rest of his days with his children? We typically overturn those in that situation. I don't see any appeal offer in here for the community to say well you know he did this as a kid, and he's been here for 50 years and never caused a problem so we think he should do this. Maybe the 15 years takes care of that, I am curious as to why there's not an appeal provision to allow the locals to have some flexibility and the other area that concerns me is some states have different standards for felonies than North Dakota but I don't know. If it's a felony in one state it may be a misdemeanor here, does that impact this and secondarily it seems like we extend more and more of laws that used to be misdemeanors to felony status so this could cause problems in smaller communities where I am going to. I don't disagree with what your trying to do, I am just trying to answer those questions myself.

Rep. Mark Owens you have a good question there about crossing state lines, somebody moving here from another state. Your right, I mean the felony and misdemeanor definitions are different in every state. So, that could be. Then you said 50 years, the 15 years would take care of the 50 year issue. But again, I was the one that had no tolerance. The committee put in 15 years so I mean to say nope you're done! So they put in 15 years and I do know from the discussion that some situations we're 10 years and why they picked 15 I do not know but I believe from what I understand and I can't state this categorically, so it

would take a little research some of our elected issues where we have felony there is no appeal process either.

Senator Judy Lee Two, first a really easy one, and that is how is it that they took out the part about not paying taxes because I could go with you on that one?

Rep. Mark Owens That was my primary focus because a lot of that information is public knowledge. You mean when you appoint somebody you don't even go and check the web. Yet, I know of a couple people who are, shall we say very delinquent and is appointed to a very important one or two boards. I just don't understand it. I understand it is hard to get people, particularly at the local level to step up and do a public service job. I understand that. You can tell that even at the state level sometimes when the Legislature on unopposed seats. That was a big one for me and they took it out.

Senator Judy Lee Going back to the appeals and all of that, we have really got strict laws which I am not fighting that concept on substance abuse in North Dakota. Senator Anderson is the one who can speak to this from his position, his profession more so than I even, but we have people who end up doing something really stupid when they were younger and it is a felony. So, we had a person in the capital today who is guilty of a felony and is trying to find a job, who has turned his life around, and has a terrible time because employers are saying we can't talk to you until 10 years after you've completed your sentence. He can't find a place to live because the only two buildings in Bismarck that will rent to people who have a felony on their record have everybody else who has a felony on their record and the problem he would be happy to share with you is that then you're going back to hanging out with the same people you were hanging out before and you can't find a job, and your environment is not conducive to turning your life around and so there are some who aren't looking to fix this. I am not trying to be a bleeding heart here; please understand, but we've also got people who do recognize that their lives were messed up and they have a felony on their record to prove it. I have a little trouble thinking they can't be on the Weed Board because we got a lot of appointed boards in North Dakota. 1-10 is on an elected or appointed position so I absolutely understand where you're headed with this and I especially like the tax part. But I am struggling just a little bit with the part on 15 years because man that is a long time. We have heard as from Senator Dotzenrod mentioned the difference among state and the way they are interpreted, so any thoughts about that side of the picture?

Rep. Mark Owens That is an excellent point and I will explain it to you this way. I spent 20 years in the military and the military to me is a collection of contradictions and hypocrisy at times. During a war when we are in the middle of battle, when we actually have to get the job done, to accomplish the mission, there is a lot of things that we do and that we're allowed to do or shall we say a 'blind eye' is turned too in order to get things done. Yet, if you try to get your job done that way during peace time you could experience what I call a one- mistake world whereby all of a sudden a perfectly capable, intelligent, very skilled individual makes one mistake because they did something that would have been acceptable during a time of conflict, but does it during peacetime is now up with a record, chastised, ridiculed and their put in a situation where no more promotions or very difficult promotions. They don't get the jobs, so I call that the one-mistake world. Yes I did not think of the 18 year old when I was doing this I was thinking of a couple of people who can't pay

their taxes when I did this. I am dead serious. I did this focused on the tax issue and I added felony because I noticed it wasn't anywhere else. Unfortunately they locked on to the one I cared the least about to be honest with you in the House and they came up with a felony portion. Again I did have the one-mistake world because I wasn't thinking of the 18 year old, you are absolutely correct. Kids make stupid mistakes sometimes and we call them kids but legally they are adults sometimes and that follows them. I would hate for that one mistake to ruin the rest of their life. So, I bring the bill to both committees in hopes that a collection of minds will help feather it out and make it much better knowing the actual intent and purpose. We can handle things like that. I don't suppose to be the all-knowing source in relationship to this or any other bill we have here. I welcome any suggestions or ideas.

Senator Bekkedahl Can Femi provide us with the original bill to compare?

Senator Anderson It seems to me like your original intention with the taxes is something that could be resolved by the individual by paying his taxes. Am I correct for that?

Rep. Mark Owens I would agree 100%. **Senator Anderson** But in the felony issue you've got an automatic 15 years and you can't resolve that anyway because that is in his past now. **Rep. Mark Owens** That is correct too. Again I added the felony because the taxes alone didn't seem like. Well I understood the tax issue and to me it just seemed hypocritical to have someone sitting on a board making a decision that would increase taxes or issue specials or recommend specials, or cause some law to be changed because they were on a different board that costs more money when they won't even follow a law themselves and pay their own taxes. You're correct, they could easily turn around and pay all their taxes and the cases that I am thinking about they would never to that.

Senator Judy Lee I see those egregious tax things too and it bugs me also. So is this an example of somebody who pays and is 4 years behind and just he just pays the year so that they don't get to the 5, so they don't have to have their property disposed of on the courthouse steps, so their always 4 years behind because the law doesn't catch them then.

Rep. Mark Owens One example is not only is it the 4 years behind it is on Sept. 30 that it is paid every year just to avoid that very thing that you're talking about. So not only yes, yes, yes.

Senator Anderson When I read the original bill now one of the concerns I can see that the committee may have had it says in the tax issue. "Is delinquent on any local state or federal taxes or special assessments"; I can see a local guy thinking why do we have to spend time looking at all of that, was that one of their concerns?

Rep. Mark Owens Actually, I didn't hear that. I will share you one of the concerns that I did hear. The concern was that well what if they are currently in dispute over some taxes. Then legally and technically they are behind in taxes at that moment if they are in dispute with the IRS or the State Commission. But if you look at the law it basically says, tax law says, you pay your taxes while you are disputing it and then you come back and even if you ask for an extension what is required of you to ask that you pay the taxes you think you own and then you do an extension and you get a refund. I am not sure that's fair, I am just

saying that is the current law. That's the way that works. But that what was brought up not look that we've got to go and do this search, it's fairly easy. Like property tax, you can virtually go on line in most counties and find that out. It is public record, most of this is. Then again they could just eliminate some of those. I listed all taxes to be fair but they could've said property or local or just taken it up to the state. They could have left out federal. Well then I would leave in special assessments but how can you be behind in special assessments really. I don't know if you can be unless you don't pay for your taxes at all because they pretty much track and I 've noticed at least in my home town if you pay something they apply the specials first. That way they can always come after you on the taxes.

Chairman Burckhard closed the hearing on HB 1213.
Committee Discussion

Senator Anderson On this bill we're looking here, I might be in favor of amending the 3rd line in that was originally there and eliminating the others. But I am not in favor of the standard 15 years on felonies because I think people need to look at the individual what his history is. He might be recovering drug addict for example who is now doing very well and we should be giving that person the chance for gainful employment and not automatically exclude him for any reason. I think it is a mistake that set those categorical things and they always come back to bite it and they harm individuals who we could benefit by looking at them individually. Otherwise I am going suggest that if we don't want to change it to just the taxes, and send it back to the House and let them look at that, then we just kill it.

Chairman Burckhard Is that a motion? **Senator Anderson** I move that we.

Senator Grabinger I was just going to say, and we heard testimony about this in Judiciary that you know there are two different things to look at when you're looking at a felony. Once you're convicted of a felony it's on your federal record forever. But you may get a deferred sentence in the state so some people for example convicted of a Class C felony might get a deferred sentence and have a reduction in that to a Class A Misdemeanor for example if they meet their restitution, do their suspension and so forth. Well, we've got to take that into consideration when you consider the felony, are you looking at a federal felony conviction is that what you're talking about. In his first bill it said, has been convicted of a felony. I don't necessarily disagree with the pending felony charges I mean do you really want somebody that has pending felony charges being appointed to a board. I wouldn't think so, that would have to be rectified before.

Senator Anderson Two things about that Senator Grabinger, one of them is if there is any charges doesn't mean you've been convicted. So, I think we have to keep that in mind. We never want to convict somebody in the court of public opinion and their here if they haven't already been convicted. The additional thing is I think that those records should always be there so whoever is making the appointment or hiring an individual or whatever sees it and the person who you're working with has to be upfront about those things. But it shouldn't be an automatic inclusion, that's my opinion.

Senator Bekkedahl The only thing I thought of was I wanted the original bill to see what it was doing because I agree with Senator Lee. We have issues, in our city, where people are

delinquent on their taxes and we look at this stuff. If you're going to be put on a special assessment board and you haven't been paying your own taxes you're not going to serve on that Special Assessment Board, if that is knowledgeable to the board appointing at the time. I don't know who does that background check but I was trying to figure out if there was a way in Senator Anderson's questions to put in here something that would say 'a person may not be eligible for a position if they have been convicted of a felony'. I mean give the locals the ability to say, we'd like to consider you but we can't because it's our opinion you have a felony. I don't know how you would do that, in other words make the language not directive but make, so we just might kill the bill at that point.

Senator Dotzenrod I don't know with the members of the committee if this has been a problem. I am just trying to think back in the district I have and the county I live in, I can never remember a case where this was happening. They got someone appointed and then it turned out that they found out later or the guy got into trouble because they appointed someone who had a felony or had not paid their taxes. I guess it could happen. Evidently it may have happened but I just haven't run into it. I have run into cases where someone had a felony and they got their life turned around and they became almost a pillar of the community. He really became a terrifically fine person. It's surprising that somebody could do that and really get their life completely reoriented. I've seen that but I haven't seen this where the boards did something that was really egregious in getting the wrong person there.

Senator Anderson Some of the hardest people to collect the water bills from were the city commissioners. Just because they were always behind whatever, it didn't mean they weren't going to pay them, but I would guess it was the same with their county taxes. However, it did a fine job as a city commissioner and I don't think it would've been any reason to exclude him. He may have paid them eventually.

Chairman Burckhard We really don't have a motion yet did we? No we didn't have a motion or a second yet.

Senator Howard Anderson moved a do not pass on HB 1214.

2nd **Senator Dotzenrod**

Roll call vote: 6-0-0

Carrier Senator Anderson

Date: 3.27.15
Roll Call Vote: /

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1213

Senate Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Senator Anderson Seconded By Senator Dotzenrod

Senators	Yes	No	Senators	Yes	No
Chairman Burckhard	X				
Senator Anderson	X		Senator Dotzenrod	X	
Senator Bekkedahl	X		Senator Grabinger	X	
Senator Judy Lee	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Anderson

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

REPORT OF STANDING COMMITTEE

HB 1213, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1213 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1213

Proposed Amendment to HB 1213

Page 1, line 8, replace "person" with "individual"

Page 1, line 9, replace "A person" with "An individual"

Page 1, line 9, after "eligible" insert "to serve in"

Page 1, line 9, overstrike the "for" immediately preceding "any"

Page 1, line 11, after "felony" insert "within the past fifteen years."

Page 1, line 11, overstrike ";"

Remove lines 12-13.