

2015 HOUSE POLITICAL SUBDIVISIONS

HB 1361

2015 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Prairie Room, State Capitol

HB 1361
2/12/2015
23759

- Subcommittee
 Conference Committee

Ammanda Muscha

Explanation or reason for introduction of bill/resolution:

Relating to legislative management review of boards and commissions.

Minutes:

Testimony 1

Chairman Klemin: Opened hearing on HB 1361.

Representative Hanson: (Testimony 1) Introduced and supported the bill.

Chairman Klemin: I am wondering why you would have a review instead on a study.

Representative Hanson: I thought it would make more sense to review instead of a study because that won't get very far.

Chairman Klemin: So this would be continuing every two years.

Representative Beadle: Of all the governor appointed ones, how many of them are statutory?

Representative Hanson: A majority are statutory.

Representative Koppelman: Your bill has very specifics, I am wondering of more general language would be an improvement?

Representative Hanson: The reason for the strict language is we could just add this to legislative management's purview so we wouldn't need to hire more people. The two year review would simply be we do this every two years and in my mind making it more hard and fast is it would set the precedent. If people aren't meeting the expectations we need changes. It is getting harder to find people to take in these jobs

Representative Koppelman: My concern is putting the time perimeter.

Representative Hanson: There would be nothing from stopping a committee to jumping back in. I agree with that. If someone is not meeting, they won't know enough to call a

meeting. A citizen board does not provide you with much. I don't think it is an incentive for people to take advantage of this.

Representative Koppelman: It talks about legislative management appointing this committee but then it says if these perimeters aren't met the legislative management shall recommend legislation. If you intended that to say the committee shall recommend to legislative management, legislation.

Representative Hanson: I might like the language as is. Understanding your concerns because I think the committee that reviews it within legislative management recommends it to legislative management and the legislative management as a whole votes on it.

Representative Koppelman: The assumption is that it would occur.

Representative Hanson: Correct, maybe because that committee that is looking at it has it be in their bond about committee x, y, and z and the rest of the legislative management says well sorry we don't we think we should continue.

Representative Koppelman: The assumption is they would report to legislative management and their legislative management would then comment.

Representative Hanson: Maybe that could be more specified.

Representative Klein: I served on a board similar to this. We eliminated and combined many boards and there is a good use for this.

Representative Koppelman: I would propose an amendment and move the amendment

Representative Zubke: Second

Representative Anderson: If the chair never calls a meeting, what can people do? I don't know if we want to eliminate under statute?

Representative Koppelman: The whole idea is to take a look at what is going on.

Chairman Klemin: The amendment is approved. It does not repeal anything.

A Voice Vote Was Taken: All in favor

Motion carries

Representative Klein: I would propose another amendment and move them

Representative Oversen: Second

Representative Kelsh: I don't think that is appropriate in this case

A Voice Vote Was Taken: People not in favor

Motion failed

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Representative Maragos: Moved to do pass as amended

Representative Hatlestad: Seconds

A Roll Call Vote Was Taken: Yes 14, No 0, Absent 0

Motion carries

Representative Beadle will carry the bill

15.0776.01001
Title.02000

Adopted by the Political Subdivisions
Committee

February 12, 2015

AD
2-12-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1361

Page 1, line 11, replace "held a meeting for a period of two years or more" with "met regularly or performed its assigned functions"

Page 1, line 11, after "the" insert "committee shall report its findings to the"

Page 1, line 10, after "management" insert ", which"

Renumber accordingly

2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1361

House Political Subdivisions Committee

Subcommittee Conference Committee

Amendment LC# or Description: Hoppelman amendment 15.0766.01061

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

Motion Made By Hoppelman Seconded By Zubke

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 vote
 motion
 carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Rep held a meeting for a period of two years or
 with more or performed assigned functions.*

Date: 2/12/2015
 Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1361

House Political Subdivisions Committee

- Subcommittee Conference Committee

Amendment LC# or Description: Klein amendments

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

Motion Made By Klein Seconded By Oversen

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					
<i>VOICE VOTE MOTION FAILED</i>					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Line 7, to state legislative management during each biennium shall consider appointing a committee.

Date: 2/12/2015
 Roll Call Vote #: 3

2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1361

House Political Subdivisions Committee

- Subcommittee Conference Committee

Amendment LC# or Description: 15.0776.01001.02000

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation

- As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Maragos Seconded By Hatlestad

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	X				
Rep. Kim Koppelman	X				
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos	X				
Rep. Nathan Toman	X				
Rep. Denton Zubke	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Beadle

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

motion carries

REPORT OF STANDING COMMITTEE

HB 1361: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1361 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "held a meeting for a period of two years or more" with "met regularly or performed its assigned functions"

Page 1, line 11, after "the" insert "committee shall report its findings to the"

Page 1, line 10, after "management" insert ", which"

Renumber accordingly

2015 TESTIMONY

HB 1361



NORTH DAKOTA HOUSE OF REPRESENTATIVES

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Representative Ben Hanson

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1.1

COMMITTEES:
Industry, Business and Labor
Transportation

HB 1361 Testimony; Rep. Ben Hanson

House Committee on Political Subdivisions:

February 12th, 2015 testimony in regards to HB 1361; A BILL for an Act to create and enact a new section to chapter 54 -35 of the North Dakota Century Code, relating to legislative management review of boards and commissions.

Mr. Chair, fellow committee members, for the record my name is Ben Hanson and I am a representative from District 16 in Fargo and West Fargo. I stand before you today to testify in favor of HB 1361.

Currently in the state of North Dakota the Governor has 144 citizen boards addressing issues ranging from The Status of Women in the state to Veteran's Issues to Barbershops. I have addressed this committee previously this session with concerns over transparency in this area.

Today I would like to offer the concept to committee members that if these boards are not producing the results that they have been created for that they should be dissolved and re-assigned or deemed unnecessary.

Mr. laCour said both the Fargo and Belcourt race tracks saw record or near record attendance and handle last year. He said as a result, North Dakota will see two additional weekends of racing in Fargo this year. He said Chippewa Downs in Belcourt will be running June 14-15, 21-22, and 28-29 and July 5-6 with the North Dakota Horse Park in Fargo following on July 19-20 and 26-27 and August 2-3.

In response to a question from Representative Delmore, Mr. laCour said the Racing Commission tries to keep taxes low in order to be competitive. He said reducing taxes will eventually increase the revenue to the state.

In response to a request from Representative Delmore, Mr. laCour provided a list (Appendix I) of the Racing Commissioners.

In response to a question from Representative Koppelman, Mr. laCour said the Racing Commission continues to review and revise its administrative rules in all areas, including medication rules, account deposit wagering, and live racing.

Chairman Hogue called on Ms. Amanda Godfread, Governor's office, for an annual report (Appendix J) regarding the status of gender balance on appointive boards, commissions, committees, and councils and within the Governor's appointive cabinet for the 2013-15 biennium. Ms. Godfread said North Dakota has 145 boards, commission, committees, and councils to which the Governor makes appointments. She said the Governor is responsible for more than 1,000 individual appointments. She said all appointments made by the Governor are first and foremost to the best-qualified candidates. She said North Dakota Century Code Section 54-06-19 requires that gender balance be considered to the extent possible and to the extent that appointees are qualified to serve on those entities. She said geographical location and diversity are also considered. She said as of April 24, 2014, the gender balance on all boards and commissions to which the Governor has appointment is approximately 60 percent men and 40 percent women.

In response to a question from Representative Delmore, Ms. Godfread said the Commission on the Status of Women is chaired by Ms. Tara Holt. She said she can provide to the committee information regarding the membership and activities of the Commission on the Status of Women.

In response to a question from Chairman Hogue, Ms. Godfread said the difficulty in finding qualified applicants often depends on the specific criteria required for membership on the board or commission. She said the Governor generally has not had a problem finding at least two qualified applicants for a position. She said often a number of phone calls are made in order to find qualified applicants.

In response to a question from Representative Karls, Ms. Godfread said she occasionally gets recommendations from legislators recommending certain individuals for various boards. She said in those cases, the legislator usually knows the applicant well.

In response to a question from Representative Delmore, Ms. Godfread said the Governor's office reaches out to a number of organizations, such as young professional organizations, when searching for applicants.

In response to a question from Senator Schneider, Ms. Godfread said North Dakota compares quite well to neighboring states with regard to gender balance. She said it can be difficult to compare the composition of boards and commissions with those in other states because not all states have the same boards nor do they have the same criteria for boards.

In response to a question from Chairman Hogue, Ms. Godfread said to assist the Governor in making a decision, she provides him information on the applicants, such as gender, geographical data, qualifications, and any criteria that may be missing.

Chairman Hogue called on Mr. Alex Schweitzer, Superintendent/Administrator, State Hospital, for a biennial report (Appendix K) relating to individuals at the State Hospital who have been committed to the care and custody of the Executive Director of the Department of Human Services. Mr. Schweitzer said the process for the evaluation of a sexually dangerous individual is initiated by the local state's attorney. If it appears that an individual is a sexually dangerous individual, he said, the state's attorney may file a petition in state district court alleging that the individual is a sexually dangerous individual and providing sufficient facts to support the allegation. If the court determines, after a preliminary hearing, that there is probable cause to believe the individual is a sexually dangerous individual, the court order that the individual be transferred to an appropriate treatment facility for an evaluation as to whether the individual has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder that makes the individual likely to engage in further acts of sexually predatory conduct. He said if, after a commitment hearing, the individual is found to be a sexually