

SB 2004
4-29-25

Below are the Senate's five requests as SB 2004 goes into conference committee.

1. Restore Education & Communication FTE & Funding - **25.0171.02008 pp. 1-2**
 - a. Allows the Commission to reallocate attorney time to complaints, general counsel work, advisory opinions, and informal guidance.
 - b. Demonstrated need for more education based on misinformation
 - c. Turnover with term limits will require more education
 - d. Reaching Boards & Commissions – this is where the need for education is the greatest and conflicts are the most prevalent. Communications with Boards & Commissions is difficult because public officials do not maintain state emails and there is noticeable turnover.
2. Remove Section 7 of SB 2004 - **25.0171.02009 pp. 4-5 sections renumbered accordingly**
 - a. Requires the Commission to close complaints within 180 days.
 - b. Marketed as a “tool” to close cases. A deadline is not a tool. It would require the Commission to dismiss and not address the underlying issue.
 - c. The remaining language of Section 7 was taken from HB 1360. The language references the Commission issuing an “alleged violation.” That process does not happen in the current complaint process. Without the rest of HB 1360, first two sentences of Section 7 do not make sense.
 - d. Further weaponizes the process as complaints would need to be closed at 180 days, without demonstrating the complaint was without merit or had merit.
3. Additional Funds Requests - **25.0171.02012 p. statement of purpose**
 - a. \$25,000 Workload Salary Increase for Operations Administrator
 - b. \$50,000 for Rules Implementation
 - c. Ongoing appropriation for Case Management System
4. Amend N.D.C.C. § 54-66-07 to allow for mediation between the Commission and the respondent, instead of between the complainant and the respondent. - **25.0171.02011 p. 4, lines 20-26**
 - a. The commission ~~may shall attempt to negotiate or mediate~~ an informal resolution ~~between~~ with the accused individual ~~and the complainant~~ unless the commission summarily dismissed the complaint under section 54-66-05. The accused individual may be accompanied by legal counsel in a negotiation or mediation.
5. Replace Section 7 of SB 2004 and Direct the Commission to Develop Time Management Standards - **25.0171.02013 p. 4, lines 14-16**
 - a. Current language in the bill requires the Commission to close complaints within 180 days. The remaining language in Section 7 was taken from HB 1360 and does not make sense without the other reforms in HB 1360.
 - b. The 180-day deadline fails to account for time delays outside the Commission's control (i.e. criminal referrals, potential appeals). It is also unclear what data was used to settle on 180 days as a deadline.
 - c. Article XIV, section 4(1) prohibits laws that would “hamper, restrict, or impair” the Commission's work. The 180-day deadline arguably violates this constitutional provision.
 - d. This amendment is modeled after the Supreme Court's rule for case management time standards found in N.D.Sup.Ct.Admin.R. 12.
 - e. Amendment will require time standards for complaint time management. However, it will allow these time standards to be data driven and not arbitrarily imposed.
 - f. Complaint time management standards would work in conjunction with a case management system.