

1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1300

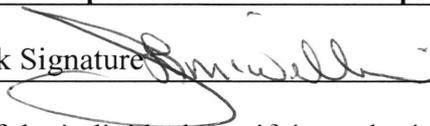
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1300

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-21-1999

Tape Number	Side A	Side B	Meter #
2	X		9.3 - 39.3
Committee Clerk Signature 			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on January 21, 1999.

Summary of the Bill: Relating to requiring governmental employers to allow public employees a leave of absence for service in the legislative assembly.

Testimony in Favor:

Representative Sandvig, Appeared before the committee to introduce the bill. The trouble were having is finding candied to run for office without the fear of loosing their jobs.

Representative Winrich, How many provisions for public service are there?

Sandvig, I am not sure and somebody better qualified would be the one to ask.

Chris Runge, ND Public Employees Association submitted written testimony which she read in its entirety (**please refer to her testimony**).

Representative Kliniske, Did NDPEA sponsor this bill?

Runge, No.

Representative Klein, I don't like it when we start mandating things.

Runge, Public employees feel they can't be in the legislature and don't want to lose their jobs. Some of the fields, like teachers can do it, but the rank and file person really doesn't have the ability to do it. Teachers is a local control issue, each district.

Representative Grande, Why should government employees be guaranteed versus employees in the private sector? The leave of absence is without pay?

Runge, The difference is we can't just go to our supervisors like in the private sector. The leave of absence is without pay.

Representative Cleary, Do you feel that the position might be cut?

Runge, It has always been a concern. It limits the ability for people to get involved and wish there was a middle ground we could reach.

Representative Devlin, With local government, I see a real problem. Say a snowplow operator for an example. We can't have or know how to fill a person's position who is highly skilled. If they are gone for 3 months. Besides, it's not only the legislative session, there's campaigning and all the other things that go into an election.

Representative Kroeber, In teaching, the substitute has to be certified to be able to fill in. Maybe a possible amendment is in order. One that states with adequate replacement.

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1300

Hearing Date 1-21-1999

Nancy Sand, ND Education Association supports the bill and stated that a teacher does not get time off to campaign.

Jim Gomstead, ND League of Cities appeared before the committee as neutral on the bill. Were OK with it as long as the person is being covered for by a qualified person. We do see a potential problem if you start mandating it and we would oppose that.

Testimony in Opposition:

Bev Nelson, ND School Board Association. This infringes on local school board policy. To mandate this would be going to far.

Representative Winrich, At present time there is no question that a school board as the authority to establish policy in these areas.

Nelson, I don't think there is. If your going to have a policy to do this, make sure they do not get into a bind. Actually we would advise flexibility.

Representative Klein, Closed the hearing on HB 1300.

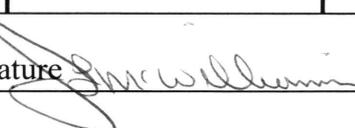
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1300

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2-4-1999

Tape Number	Side A	Side B	Meter #
2		x	26.5 - 36.7
Committee Clerk Signature 			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more information.

Summary of the Bill: Relating to requiring governmental employers to allow public employees a leave of absence for service in the legislative assembly.

Committee Action:

Representative Winrich, Walked the committee through the amendments. It parallels the bill coming out of the Senate. Basically the amendments make the leave of absence permissive rather than required.

Representative Klein, Don't they have that now?

Representative Winrich, What this does is specifically authorizes it. I think there is a point where it is explicitly authorizing it and saying this is public policy and its still permissive instead of required.

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1300

Hearing Date 2-4-1999

Representative Metcalf, Made the motion for a Do Pass on the amendments.

Representative Hawken, Seconded the motion.

Representative Metcalf, Made the motion for a Do Pass on the amended bill.

Representative Cleary, Seconded the motion.

Motion Passes: Do Pass Amended **13-2**.

Representative Winrich, Is the carrier for the bill.

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Title.0300

Prepared by the Legislative Council staff for
Representative Winrich
January 28, 1999

VR
2/5/99

HOUSE AMENDMENTS TO HOUSE BILL NO. 1300 GVA 2-5-99

Page 1, line 2, replace "requiring" with "authorizing"

Page 1, line 8, replace "A" with "The executive officer in charge of a", replace "and" with "or the governing body of", and replace ", shall" with "may"

Page 1, line 9, replace "an" with "a full-time" and after "employee" insert "of that governmental entity"

Renumber accordingly

Date: 2-4-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1300

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DP AMENDED BILL

Motion Made By METCALF Seconded By CLEARY

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN		✓			
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GRANDE		✓			
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 13 No 2

Absent 0

Floor Assignment ~~METCALF~~ WINRICH

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

REPORT OF STANDING COMMITTEE

HB 1300: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1300 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "requiring" with "authorizing"

Page 1, line 8, replace "A" with "The executive officer in charge of a", replace "and" with "or the governing body of", and replace ", shall" with "may"

Page 1, line 9, replace "an" with "a full-time" and after "employee" insert "of that governmental entity"

Renumber accordingly

1999 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1300

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1300

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date March 19, 1999

Tape Number	Side A	Side B	Meter #
1	X		
Committee Clerk Signature <i>James A. Raib</i>			

Minutes: CHAIRMAN KREBSBACH opened the hearing on HB 1300 which relates to governmental employers to allow public employees a leave of absence for service in the legislative assembly. Appearing before the committee to offer testimony in support of the bill was REPRESENTATIVE SALLY SANDVIG , District 21, Fargo, primary sponsor of the bill. She indicated to the committee she introduced this bill because of the difficulties districts are having with finding people to run for the legislature, that means both parties, not just one. She indicated that she has a couple of friends who had lost their jobs in the private sector and I couldn't do anything about that so I thought well, let's try the public sector instead. SENATOR DEMERS, Is this a, political subdivisions, at least our political subdivisions in Grand Forks have given leave of absence for this and I know higher ed does, so is this a problem basically with the state? REPRESENTATIVE SANDVIG, I'm not really sure. I know some people do get leave of absences but there are others that don't so I think it is the state and there might be others out

there too. SENATOR STENEHJEM, it seems to me that the house with their amendment really drastically changed the bill. REPRESENTATIVE SANDVIG, they changed that to go along with the rules that the national guard has for letting people off to for service from the guard and they changed the may to make it more palatable. SENATOR STENEHJEM, is it your position now that the state may not grant a leave of absence for a person to serve in the state legislature?

CHRIS RUNGE, Executive Director, North Dakota Public Employees Association, appeared before the committee in support of HB 1300. A copy of Ms. Runge's testimony is attached.

SENATOR DEMERS, when we were recruiting candidates last fall there was somebody from the human services center that wanted to run and they were told that it was a policy just that they couldn't. Are you aware of that? MS. RUNGE, I do believe that has to do with the combination of receiving federal funds and the Hatch Act. SENATOR THANE, Have agency heads said publicly what you say in your testimony, or are they saying it privately, because I think this is an awful poor rationale on their part. That if you can do without them for four months, that you can get rid of them permanently. I have a problem with that. MS. RUNGE, Having worked in state agencies for most of my life, that really actually is the case that there is concern out there that if you take time off that will be looked at a little closer. I'm not meaning this negatively toward state agencies because I think they really try to be employee oriented. But I think they worry about phantom positions and losing positions in a time of resource allocations being what they may, but they don't want to raise any red flags. So, they are not going to rock the boat. That is the sad reality of it. NANCY SAND, representing the North Dakota Education Association appeared before the committee indicating that her organization supports the bill. Questions and

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number HB 1300 Minutes

Hearing Date March 19, 1999

comments were offered by SENATORS MUTZENBERGER and WARDNER. There was no further testimony at this time. CHAIRMAN KREBSBACH closed the hearing on HB 1300.

COMMITTEE ACTION March, 1999, Tape 1, Side A, Meter #'s 5900-6150. A motion for DO

PASS was made by SENATOR W. STENEHJEM, seconded by SENATOR

MUTZENBERGER, ROLL CALL VOTE indicated 7 YEAS, 0 NAYS, 0 ABSENT OR NOT

VOTING. SENATOR MUTZENBERGER will carry the bill.

Date: 3/19/99
Roll Call Vote #:

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1300

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

- Subcommittee on _____
- or
- Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Stenehjem Seconded By Sen. Mutzenberger

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM	✓				
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Mutzenberger

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

REPORT OF STANDING COMMITTEE (410)
March 19, 1999 1:24 p.m.

Module No: SR-50-5189
Carrier: Mutzenberger
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1300, as engrossed: **Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1300 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1300



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TESTIMONY IN SUPPORT OF HB 1300

Before the House Government and Veterans Affairs Committee North Dakota Public Employees Association, AFT Local 4660, AFL-CIO

Chairman Klein, members of the House Government and Veterans Affairs Committee, my name is Chris Runge and I am the Executive Director of the North Dakota Public Employees Association, AFT #4660. I am here to testify in favor of HB 1300. HB 1300 would allow a public employee guaranteed time off to serve as member of the legislative assembly without threat of losing their job. NDPEA heartily endorses this bill.

Right now there are some public employees serving in the legislature mostly higher education faculty or retired public employees. We also are aware of how difficult it is sometimes to find willing citizens to run for office. NDPEA tries to encourage public employees to run for public office but almost always the answer is NO because their bosses won't allow them the time off. Now I am not blaming agency heads and elected officials for the problem. The most often reason cited by agency heads is that if they allow a public employee in their department a leave of absence to serve in the legislative assembly, there are concerned that when it comes to budget time, that person's position will be cut. The rationale is that if you can do without this public employee for four months then maybe you can do without this position permanently.

This bill says to us as public employees that you can now run for public office without threat of losing your job. This bills says to us that public employees no longer have to make a choice between their

Quality Services from Quality People

Testimony

jobs and wanting to become involved in this legislative process. I believe that there are public employees on both sides of the aisle that have aspirations of sitting where you are today and would become more involved in the political process if this bill were to become law.

NDPEA urges a DO PASS on HB 1300.

Thank you and I am available to answer your questions.



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TESTIMONY IN SUPPORT OF HB 1300

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North Dakota Public Employees Association, AFT Local 4660, AFL-CIO
March 19, 1999**

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