

**1999 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2116**


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2116

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 15, 1999

Tape Number	Side A	Side B	Meter #
2	X		0-194
Committee Clerk Signature 			

Minutes: CHAIRMAN KREBSBACH opened the hearing on SB 2116. Testifying before the committee on the bill was AL JAEGER, Secretary of State for the State of North Dakota. SB 2116 relates to fees for late filing of lobbyist reports and posting of lists of lobbyists in the legislative chambers. A copy of Mr. Jaeger's written testimony is attached. Following his testimony Secretary Jaeger suggested that if this legislation is passed by the committee he asked that they consider amending it with the Emergency Clause to speed up its application. Questions were offered by SENATORS KREBSBACH and STENEHJEM. MARY FEIST with the Attorney General's Office indicated that they do have a list of the names of the people to whom the lists of lobbyists were delivered. There was no further testimony in support of, neutral position, or opposition to SB 2116. CHAIRMAN KREBSBACH closed the hearing on SB 2116. COMMITTEE ACTION: Motion to Amend the Emergency Clause to SB 2116 made by SENATOR THANE, seconded by SENATOR W. STENEHJEM. Roll Call vote indicated 7

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2116

Hearing Date January 15, 1999

YEAS, 0 NAYS, 0 ABSENT OR NOT VOTING. A motion for DO PASS as amended was made by SENATOR THANE, seconded by SENATOR STENEHJEM. ROLL CALL VOTE indicated 7 YEAS, 0 NAYS, 0 ABSENT OR NOT VOTING. SENATOR W. STENEHJEM volunteered to carry the bill.

# FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2116 Amendment to: \_\_\_\_\_  
 Requested by Legislative Council Date of Request: December 30, 1998

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative: The fiscal impact will be less than \$5,000.

- State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	None	None	400	None	400	None
Expenditures	None	None	None	None	None	None

- What, if any, is the effect of this measure on the budget for your agency or department:


For rest of 1997-99 biennium: None  
 (Indicate the portion of this amount included in the 1999-2001 executive budget:)

For the 1999-2001 biennium: None  
 (Indicate the portion of this amount included in the 1999-2001 executive budget:)

- For the 2001-03 biennium: None

- County, city, and school district fiscal effect in dollar amounts: None

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
None	None	None	None	None	None	None	None	None

Signed:   
 Typed Name: Alvin A. Jaeger  
 Department: Secretary of State  
 Phone Number: 328-2900  
 Date Prepared: January 4, 1998

Date: 1/15/99  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2116

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Adopt Amendment - Emergency Clause

Motion Made By Sen. Thane Seconded By Sen. W Stenehjem

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 \_\_\_\_\_

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

Date: 1/15/99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2116

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or

Conference Committee

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

Action Taken Do Pass - As Amended

Motion Made By Sen Thane Seconded By Sen W Stenehjem

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. W. Stenehjem

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

REPORT OF STANDING COMMITTEE (410)  
January 18, 1999 9:06 a.m.

Module No: SR-10-0735  
Carrier: W. Stenehjem  
Insert LC: 98223.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2116: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2116 was placed on the Sixth order on the calendar.

Page 1, line 3, after "chambers" insert "; and to declare an emergency"

Page 2, after line 23, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2116**



1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2116

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3-11-1999

Tape Number	Side A	Side B	Meter #
1	X		0.5 - 9.6
2		X	13.5 - 14.9
Committee Clerk Signature <i>Jan M. Wellen</i>			

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 March 11, 1999.

Summary of Bill: Relating to fees for late filing of lobbyist reports and postings of lists of lobbyists in the legislative chambers.

Testimony in Favor:

Al Jaeger, Secretary of State submitted written testimony in which he read it in its entirety. This would make it consistent throughout the office. During the 97 session we had 688 lobbyists representing 1063 organizations. As of today, we had 588 lobbyists representing 915 organizations.

Representative Klein, The senate put an emergency clause on it, why?

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2116

Hearing Date 3-11-1999

Jaeger, If it isn't put on, the law won't become effective until August 1. If we were going to do this, we might as well start out now. It should have been on there from the get go. We do not register organizations, we register people who represent organizations.

Representative Klemin, Will the list be printed in the journal?

Jaeger, It's a matter of rules, not law. The rules were changed and now the list will be published in the journal on the last day of the session.

Testimony in Opposition: None.

Representative Klein, Closed the hearing on SB 2116.

Committee Action:

Representative Haas, Made a motion for a Do Pass.

Representative Thoreson, Seconded the motion.

Motion Passes: Do Pass **15-0**.

Representative Hawken, Is the carrier for the bill.

Date: 3-11-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2116

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

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

Action Taken Do Pass

Motion Made By HAAS Seconded By THORESON

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) 15 No 0

Absent 0 HAWKEN

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

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

REPORT OF STANDING COMMITTEE (410)  
March 11, 1999 4:15 p.m.

Module No: HR-44-4616  
Carrier: Hawken  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

SB 2116, as engrossed: **Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2116 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY  
SB 2116



## SECRETARY OF STATE

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

January 15, 1999

TO: Senator Krebsbach and Members - Senate Government & Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2116 – Lobbyists

Under current law, the lobbyist registration year begins July 1 and expires on June 30 of the following calendar year. Each person registering as a lobbyist during that period of time is required to file a detailed report of the expenditures required to be reported under the provisions of N.D.C.C. § 54-05.1-03(2). That report is filed with the Secretary of State and is due on or before August 1 following the expiration of the registration period.

Section 1 of this bill establishes a late filing fee of \$25 if the lobbyist files their report after the due date of August 1 and no later than 60 days afterwards. If the report is filed later than 60 days after the due date, the late filing fee is increased to \$50. In addition, if a lobbyist is already registered and has not filed a report by October 1, his or her registration will automatically be revoked.

When a lobbyist fails to file a report under current law, the only alternative available to the Secretary of State is to refer the matter to the attorney general for investigation and potential criminal prosecution. Hopefully, the potential of having to pay a late filing fee will be an incentive for a lobbyist to file his or her report by the due date and before a referral needs to be made.

Fortunately, only a handful of lobbyists do not file their reports by the due date. Nevertheless, we believe the changes proposed in Section 1 are a practical first alternative to referring a lobbyist for criminal prosecution.

Section 2 of the bill makes several gender corrections and removes the requirement that a list of lobbyists must be posted in the legislative chambers. The list of lobbyists is now available on the Secretary of State's web site at [www.state.nd.us/sec](http://www.state.nd.us/sec). The path is "Office Divisions," "Administrative/Licensing," "Lobbyists," and then "Registered Lobbyists." Or, through the general information section of the Legislative Council's web site at [www.state.nd.us/lr/](http://www.state.nd.us/lr/).



**LOBBYIST EXPENDITURE REPORT**  
**SECRETARY OF STATE**  
 SFN 7654 (6-98)

Secretary of State  
 State of North Dakota  
 600 E Boulevard Ave Dept 108  
 Bismarck ND 58505-0500  
 Telephone (701) 328-3665  
 Fax (701) 328-1690

Instructions:

1. For reference, see North Dakota Century Code, chapter 54-05.1, effective March 7, 1995.
2. North Dakota law requires each registered lobbyist to file an expenditure report with the Secretary of State on or before August 1 following the expiration of the lobbyist registration period. For 1998, the report is due on or before August 1, 1998 and will cover the lobbyist registration period from July 1, 1997 through June 30, 1998.
3. Each lobbyist must file an expenditure report whether or not they have any expenditures to report.
4. As stated in North Dakota law, "The report must list each expenditure, if any, of twenty-five dollars or more expended on any single occasion during the legislative session or the interim, as the case may be, on any individual in carrying out the lobbyist's work or include a statement that no reportable expenditures were made during the reporting period."
5. The report must be signed and dated by the lobbyist.
6. Mail the report to the address listed in the upper right corner of this form.

Do you have any expenditures of \$25 or more to report?  No  Yes - Provide the following information and complete instructions 5 and 6 (use additional pages if necessary). If the answer is no, only instructions 5 and 6 need to be completed.

DATE OF EXPENDITURE	NATURE OF EXPENDITURE AND ON WHOSE BEHALF EXPENDED	NAME OF PERSON(S) RECEIVING THE BENEFIT OF THE EXPENDITURE	AMOUNT OF EXPENDITURE

The undersigned has read the foregoing and knows the contents thereof to be true.

\_\_\_\_\_ Lobbyist Signature

\_\_\_\_\_ Date