

**1999 SENATE EDUCATION**

**SB 2134**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2134

Senate Education Committee

Conference Committee

Hearing Date 1/13/99

Tape Number	Side A	Side B	Meter #
1	X		1,525-2355
Committee Clerk Signature <i>Jenda Christman</i>			

Minutes:

Senator Freborg opened hearing on SB 2134.

Robert Olheiser, State Land Commissioner.. Testimony enclosed.

Senator Wanzek: By deferring to 2001 that means we're keeping the language in place. That won't present any problems for the next two years?

Robert Olheiser: No, the land board members currently will serve out their current term and hope they will keep me on until that point in time. Don't anticipate any problems. Better to set a date in the future when there was no vested interest than trying to implement immediately. Then it could look like we were trying to protect our jobs.

Senator Freborg: Thank you Robert. Any testimony in favor of SB 2134.

Joe Westby, Ex. Director of ND Ed. Association, appointed member of the land board to sit on the selection committee when looked for people, applicants for Bob's position and eventually

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Senate Education Committee

Bill/Resolution Number Sb 2134

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selected Bob to be in that position. Want to enforce what Bob said and support this bill. I think it clears up a little bit of confusion in the statutes and certainly he has laid out all the rationale behind the bill. We lend our support.

Senator Freborg: Question of Joe. Any other testimony for or against SB 2134.

Senator Freborg closed hearing on SB 2134

Senator Redlin made motion for a Do Pass.

Senator Wanzek seconded.

Motion is for a Do Pass on SB 2134.

Discuss none.

Clerk took roll. Motion carried. 7 yes, 0 no. Carrier- Senator Redlin

Date: 1/13/99  
Roll Call Vote #: \_\_\_\_\_

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2134**

Senate EDUCATION Committee

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

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

Action Taken Motion for Do Pass

Motion Made By Sen. Redlin Seconded By Sen. Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment Sen. Redlin

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

REPORT OF STANDING COMMITTEE (410)  
January 13, 1999 1:20 p.m.

Module No: SR-07-0554  
Carrier: Redlin  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2134: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the  
Eleventh order on the calendar.

**1999 HOUSE EDUCATION**

**SB 2134**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2134

House Education Committee

Conference Committee

Hearing Date 3-10-99

Tape Number	Side A	Side B	Meter #
Tape # 1	x		32.6 to 44.3
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R Kelsch, Vice Chair Drovdal, Rep Brandenburg, Rep Brusegaard, Rep Haas, Rep Johnson, Rep Nelson, Rep Nottestad, Rep L Thoreson, Rep Grumbo, Rep. Hanson, Rep. Lundgren, Rep. Mueller, Rep. Nowatzki, Rep. Solberg .

Chairman R Kelsch : We will open the hearing on SB 2134 and ask the clerk to read the title.

Robert Olheiser: State Land Commissioner (See attached testimony) .

Joe Westby: Executive Director of NDEA. In that role he does attend land board meeting where this issue was discussed. Was appointed by a member of the land board to serve on a search and interview committee that picked the land commissioner. This is a technical change and is warranted and spoke in support of SB 2134.

Chairman R Kelsch : Anyone else who wishes to appear in support of SB 2134? Anyone who wishes to appear in opposition of SB 2134? We will close the hearing on SB 2134.

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House Education Committee

Bill/Resolution Number Sb 2134

Hearing Date 3-10-99

COMMITTEE ACTION

CHAIRMAN R KELSCH : What are the wishes of the committee?

Rep Haas : Move a DO PASS.

Rep Johnson : seconded the motion.

Chairman R Kelsch : Committee discussion. We will ask the clerk to call the roll on a DO PASS

motion on SB 2134. The motion passes 15 YES 0 NO 0 Absent Floor assignment Rep

Brusegaard .



Date: 3-10-99  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB-2134

House Education Committee

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

or

Conference Committee

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

Action Taken Do Pass

Motion Made By Haas Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard	✓				
Rep. C. B. Haas	✓				
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson	✓				
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Brusegaard

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 10, 1999 2:07 p.m.**

**Module No: HR-43-4474**  
**Carrier: Brusegaard**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2134: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS**  
**(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the**  
**Fourteenth order on the calendar.**

**1999 TESTIMONY**

**SB 2134**

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**STATE LAND DEPARTMENT**

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Robert J. Olheiser  
COMMISSIONER

**TESTIMONY OF ROBERT OLHEISER**  
**State Land Commissioner**

**IN SUPPORT OF**  
**SB 2134**  
**House Education Committee**

**February 10, 1999**

SB 2134 was introduced at the request of the Board of University and School Lands because the current wording in Section 15-02-02 of the North Dakota Century Code may be interpreted in different ways.

Currently, 15-02-02 states that, "the term of office of the [land] commissioner is two years." But later in the section it also states, "the commissioner is subject to removal at the pleasure of the [land] board." No one will argue about the Land Board as the appointing authority for the position of State Land Commissioner. However it is beneficial for the Board and for potential future Commissioners, if the legislature would clarify the terms of that appointment. We believe that SB 2134 makes that clarification.

The Constitution of North Dakota states that the Land Board shall consist of the Governor, Attorney General, Secretary of State, Superintendent of Public Instruction, and the State Treasurer. The proposed changes designate a four-year term for the Land Commissioner, with that term coincidental with the four-year elected terms of the Land Board members. The bill provides for removal of a Commissioner for cause and clarifies that, in the event of a vacancy in the Commissioner's position, a new Commissioner is appointed for the remainder of the original four-year term. The bill also provides an effective date of July 1, 2001, which removes any vested interest in the bill that an incumbent Board member or Commissioner may have.

The Office of State Land Commissioner (the State Land Department) is responsible for administering and monitoring the Land Board's diversified \$530 million investment portfolio; managing 714,000 acres of surface lands; managing 2.5 million acres of mineral interest; and for overseeing the work of the State Unclaimed Property Division. The Department distributes over \$27 million to public grades K-12 and several institutions annually. The proposed changes in SB 2134 will help to encourage qualified and experienced applicants to seek the position as the agency's director when necessary, by clarifying the terms of the appointment.

In the Senate, SB 2134 passed without amendment, on a vote of 49 Yeas, 0 Nays.

The Land Board respectfully requests a "do pass" recommendation on SB 2134.