

2009 HOUSE JUDICIARY

HB 1285

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1285

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/2/09

Recorder Job Number: 8317, 8356

Committee Clerk Signature

*Menrose*

Minutes:

**Chairman DeKrey:** We will open the hearing on HB 1285.

**Rep. George Keiser:** Sponsor, support, explained the bill (attachment). ND is pretty much number 1 in holding open meetings. If there has been a problem, the ND Attorney General has gotten involved. ND is not perfect. When North Dakotans attend meetings in other states which would be open meetings in ND, and are closed in that other state, the ND participant should not attend. There was a situation that we know of, where information was discussed in a closed executive session and then it was voted on without discussion with all the delegates. We need to balance the public's right to participate in our activities. If I have to follow certain rules while in the state, why wouldn't they be the same for meeting out of state?

**Rep. Dahl:** Aren't we ensuring that North Dakota won't have a seat at the table, that we wouldn't get a say in what was going on. We can't dictate to a national organization on how they run their meeting, so if our Insurance Commissioner can't participate in those meetings, we don't get a say on how that model legislation is created.

**Rep. George Keiser:** If it is a violation in ND, why isn't it a violation in that other state? We need open discussion. The reality is when an amendment is brought in and incorporated without public input, it is wrong. When we receive model legislation from a group, we assume

that it has been discussed by all the participants and that it had been agreed upon by the group; then we find out that it was done without public input at all.

**Rep. Delmore:** This bill seems very focused on certain organizations that it's meant to address, but I think there are long term ramifications for a lot of other people that are here today. Can you think of any other instances, besides the one you cited, where you really feel that the closed meeting policy has affected our state?

**Rep. George Keiser:** No I can't. I'm aware that each of you that sit on the Judiciary Committee, who have I suspect a stronger relationship to other committees. I serve on NCOIL, we are the legislative division and NCAIC is the administrative division of two organizations involved in this type of arena.

**Rep. Delmore:** If we follow this, I don't think there are that many legislators from ND that attend meeting, but if all of you got together, even if it was an open meeting to begin with, but there are five of you and you meet at a bar later and you start discussing model legislation, is that then a violation of the ND Open records since you would be the entire delegation sent there.

**Rep. George Keiser:** Again, what is the law relative to open meetings? I believe it's a majority of the people. If a policy is developed and introduced to an organization (whether in state or out of state) that was developed in a closed meeting, it would be a violation of the open meetings law.

**Rep. Koppelman:** It appears to me that the bill might be in conflict with another provision of the very section it seeks to amend, and I don't see any repeal or crossed out language. In 44-04-17.1, a and b, it says a meeting includes work sessions that do not include chance or social gatherings where public business is not considered .... Did you look at that language...?

**Rep. George Keiser:** I didn't but Legislative Council did and if you read the way this is written, I think this does not do that.

**Rep. Koppelman:** It seems to me that our open meetings law governs public meetings. In other words, governmental entities, official governmental decision making; it governs public meetings not public people.

**Rep. George Keiser:** Back to the language in the bill, "when acting within the scope of the individual's office". So if I attend a board meeting when I'm not acting within my capacity as a legislator or employment, it wouldn't. Then it says that, "not participate in a meeting for which the state pays the dues or governmental expenses". When I go to a NCOIL meeting, I attend as a legislator from ND, not as an individual; therefore, I should not participate in a closed session.

**Rep. Koppelman:** I understand your point. Those outside groups, while we may be members by virtue of the fact that we hold the office we hold, we're participating in an organization that really has no authority to do anything in ND, no teeth. They can pass every resolution they want, but it's not going to make a difference in how our state is run. I can see your point that if they pass a piece of model legislation, eventually that may trickle into a state like ND, and may even be advocated by that public official that's part of it; therefore, eventually if a majority of the governing body adopts it, it can become law. So could a lot of things. We hear from lobbyists every day and I suspect that there are legislators that are part of the groups that those lobbying organizations represent. An organization might say that it would be great to have a legislator on board for their expertise and could be helpful; then they formulated an opinion, then they are going to get a private entity to bring it to the legislature, should the meeting of that organization be opened because you are there, or should the discussion of the proposal that they bring forward be open under our laws.

**Rep. George Keiser:** People ask you to join their group because you have something to add.

If the state pays for an employee to attend a national meeting and dues, why shouldn't the meeting be open? What reason can you give me that the meeting shouldn't be open when discussing policy, model legislation, etc? That doesn't need to be done in a closed session.

**Chairman DeKrey:** How about ALEC, since those dues come out of our pocket, so would they be excluded.

**Rep. George Keiser:** I encourage you to read the bill. It says that if the state pays.

**Rep. Koppelman:** I understand what you're trying to do. You don't think these meetings should be closed, and I don't disagree with that. But I'm not sure the bill does that; it doesn't say that the organization has to have open meetings, it says that our people can't participate if there is a closed meeting. What is going to be the result of that?

**Rep. George Keiser:** From my perspective, it's in the bill. I cannot control what the Attorney General's association does or the Secretary of State's organization does, etc. The only thing I can control is what our people do at those meetings. I think our people should be obligated to keep the same standards whether they are in state or out of state to attend a meeting.

**Rep. Dahl:** When you attend these meetings are there interests from the industry that are paying for these conferences or paying for travel, does that happen.

**Rep. George Keiser:** I don't know, it could happen, but again that's not what the bill is about.

**Rep. Dahl:** I understand that, what I'm getting at is a bigger question, if there are special interests facilitating some of these conferences, maybe there is a public policy reason for going into closed session; if the commissioners want to get together and craft some legislation free of that special interest influence; you challenged us to think of a reason why they should go into a closed meeting.

**Rep. George Keiser:** I would say no. That to me is not acceptable because when I say open, I don't mean just to the industry. I mean it should be open to everyone, public interest groups, etc. they had to pay registration fees to get in to the meeting or allowed to come in without charge. Many of our governmental groups allow the consumer advocate groups to attend the meeting by a discount or by scholarship so that they can attend the meeting. A lot of time there is opposition in the consumer advocacy groups because they don't like what the industry is doing and vice versa.

**Rep. Delmore:** When we look to the AG's office as being the enforcer of this, how could it possibly be enforced, because we have people all over the US, nobody knowing that they may go into a closed meeting, by our standards as a state?

**Rep. George Keiser:** I think that wouldn't be an issue at all. How does the AG investigate now? It's not active, it's passive. Somebody typically files a complaint. It is only investigated if someone reports it, the same would hold true under this bill.

**Rep. Delmore:** Are you aware of any other states with a law like this.

**Rep. George Keiser:** No; but other states are considering this.

**Chairman DeKrey:** Thank you. Further testimony in support. Testimony in opposition.

**Tracy Stein, Director, Human Recourse, Staff Development, ND DOCR:** Opposed (attachment).

**Chairman DeKrey:** When we were implementing the adult compact for the state of ND, one of the draws for us was that we happened to be one of the first states to join, that actually got to write the rules of the compact. ND would have excluded from doing that, even though we would have been one of the first states to join it under this bill.

**Tracy Stein:** Yes. Warren Emmer was instrumental in writing the rules that were developed in the compact.

**Rep. Klemin:** Could you look into the extent to which some of the matters you referred to here, might also be exempt under ND open meeting law.

**Tracy Stein:** Personnel issues are exempt in the state of ND.

**Rep. Klemin:** But the bill talks about if a meeting would be an open meeting in ND; I think some of the things you mentioned in here in your testimony, wouldn't be considered an open meeting in ND either, so the bill wouldn't apply to those situation, in speaking about personnel.

**Tracy Stein:** I guess so.

**Rep. Koppelman:** The compacts are in ND law now, and they describe the rules that you are talking about; so in other words, you already have the law. It's possible that something in the compact law that we've adopted could be in conflict with what this bill says.

**Tracy Stein:** I believe you're correct on that. I know that the adult compact is a federal mandate, a federal regulation to the states. I don't know if the same applies to the juvenile compact.

**Chairman DeKrey:** Thank you. Further testimony in opposition.

**Lynn Helms, Director, ND Industrial Commission, Dept of Mineral Resources:** Opposed (attachment). IOGCC has been chaired by every ND governor since 1982; that would come to an end. Our conclusion with regard to this bill is for all practical purposes, it would mean an end of any leadership role for the state of ND in these national organizations. The situation that Rep. Keiser spoke to, I believe would have occurred anyway, on the state of ND would have had absolutely no voice in the policy coming out. If these organizations came up with policies that were binding on the state of ND, then you would have something to be concerned about. All they come out with models that then come back to the state of ND, which you as the legislature decide as a body to do it or not.

**Rep. Klemin:** These committee meetings that you refer to in these associations, would those be considered open meetings under ND law.

**Lynn Helms:** I believe they would if they were conducted here in within the state of ND. If I gathered with my equivalents in MT and SD and we held a meeting here to discuss some potential rule on outside sequestration, we would have to notice and advertise that meeting, as a public meeting in the state of ND. However, we hold many such meetings under IOGCC in conference calls, and the reason most of those are closed was because at the same time, the EPA was making plans to impose very rigorous restrictions on CO2 and we didn't want them a part of our policy-making, we wanted to independently construct our policy. I believe they would be.

**Rep. Koppelman:** These organizations don't have any binding authority in ND. Would these meetings be open meetings under ND law if they were conducted here, and I'm not sure whether they would, because an organization in ND that has no governmental authority, it can't pass any binding law or regulation or rule, it just comes up with an idea that will later be considered by another governing body which has some authority, they can have a closed session if they want to. I don't know if the bill gets at what Rep. Keiser is trying to do here.

**Lynn Helms:** You may be correct in many instances; however, I believe that a good example would be an IOGCC meeting in Alabama, in which Gov. Hoeven, and others from our office sat down and discussed the upcoming private sequestration model legislation and what our position was going to be. We went into a business session with IOGCC and in fact all four of us were there attending and supporting Gov. Hoeven in his vote. I really think that would be an open meeting under ND open meeting laws.

**Rep. Koppelman:** How from a practical standpoint, if this bill were to become law, how would you enact it. How would you implement this. We've had several open meeting bills this



session and past sessions, and one of the discussions the other day was, Mr. McDonald talked about in an emergency situation, the board has to get together and do something, they need to make a phone call to the official newspaper in the county. In your example, if you're out-of-state, do you call the Bismarck Tribune and say we're about to sit down and talk about something, you can fly 5,000 miles if you like, in the next 5 minutes. How would that work?

**Lynn Helms:** I believe if you would have to notice the meeting like an open meeting, you would have to notice every conference call that we would conduct within our office and if failed to do that for some reason, perhaps for neglect, we would just have to leave the meeting and just allow the other states to determine the policy however they felt it was appropriate.

**Chairman DeKrey:** Thank you. Further testimony in opposition.

**David Glatt, Chief of Environmental Health Section for ND Dept of Health:** Opposed (attachment).

**Ch. DeKrey:** Thank you. Further testimony in opposition.

**Col. Dave Thiele, ND National Guard:** Opposed. Open meeting laws though don't apply to associations in ND. From the language here it basically says that it is considered an open meeting, if the meeting was held by a public entity. With respect to Rep. Keiser when he said it's illegal in ND, it's not. It's only illegal if we assume that we're going to force the associations to follow a public entity rules, which they are not subject to.

**Chairman DeKrey:** Thank you. Further testimony in opposition.

**Pat Seeworth, State Board of Higher Education:** Opposed. This would prohibit our employees participating and having leadership roles in national organizations and associations. As you can imagine, the faculty and other employees are members of dozens of organizations. In the NCAA, there are two institutions that are members. In their constitution bylaws they have an executive committee, dozens of other committees, where they meet in

private. ND does not have a law that generally excludes personnel matters – they must be conducted in open meetings with limited exceptions.

**Chairman DeKrey:** Thank you. Further testimony in opposition.

**Mike Daley, Deputy Commissioner for the Security Dept., ND Insurance Commission:**

Opposed. There isn't a definition of what would be considered an open meeting of a non-public body is quite confounding. This is unworkable and too broadly worded.

**Rep. Zaiser:** Associations and groups that do training don't set policy for ND do they.

**Mike Daley:** Correct, and for that reason they wouldn't be excepted out. The open meeting statute in ND does cover working groups, committees, and I think it would fall within those kinds of training sessions.

**Chairman DeKrey:** Thank you. Further testimony in opposition. Neutral.

**Tim Karsky, Commissioner, ND Financial Institutions:** Neutral. When you look at the definition of a meeting under 4-04-17.1, we feel that we may be exempt from some of these meetings and associations. There are five regulatory associations that do training, or we sit at the national governor's regulatory policy meeting and this bill's definition might change, if this bill only changes the definition of a public entity and I think this would create confusion (couldn't hear his testimony well).

**Chairman DeKrey:** Thank you. We will close the hearing.

**(Reopened in afternoon session)**

**Chairman DeKrey:** We will take a look at HB 1285. What are the committee's wishes.

**Rep. Delmore:** I move a Do Not Pass.

**Rep. Hatlestad:** Second.

**12 YES 1 NO 0 ABSENT**

**DO NOT PASS**

**CARRIER: Rep. Koppelman**

Date: 2/2/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1285

**HOUSE JUDICIARY COMMITTEE**

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

Action Taken ☐ DP ☒ DNP ☐ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. DeImore Seconded By Rep. Hatlestad

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------|-----|----|-----------------|-----|----|
| Ch. DeKrey      | ✓   |    | Rep. DeImore    | ✓   |    |
| Rep. Klemin     |     | ✓  | Rep. Griffin    | ✓   |    |
| Rep. Boehning   | ✓   |    | Rep. Vig        | ✓   |    |
| Rep. Dahl       | ✓   |    | Rep. Wolf       | ✓   |    |
| Rep. Hatlestad  | ✓   |    | Rep. Zaiser     | ✓   |    |
| Rep. Kingsbury  | ✓   |    |                 |     |    |
| Rep. Koppelman  | ✓   |    |                 |     |    |
| Rep. Kretschmar | ✓   |    |                 |     |    |
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Total (Yes) 12 No 1

Absent 0

Floor Carrier: Rep. Koppelman

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

**REPORT OF STANDING COMMITTEE**

**HB 1285: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS**  
(12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1285 was placed on the  
Eleventh order on the calendar.

2009 TESTIMONY

HB 1285

Keiser, George J.

**From:** Candace Thorson [CThorson@nolan-associates.com] on behalf of NCOIL President Sen. James Seward, NY [NCOIL1@nolan-associates.com]  
**Sent:** Monday, January 26, 2009 6:38 PM  
**To:** roger.sevigny@ins.nh.gov  
**Cc:** jane.cline@wvinsurance.gov; susan.voss@iid.state.ia.us; kevin.mccarty@fldfs.com  
**Subject:** NCOIL Letter Regarding NAIC Capital and Surplus Relief Proposal  
**Attachments:** image001.jpg; image002.jpg; image003.gif; image004.gif; image005.jpg; image006.jpg  
**Importance:** High



PRESIDENT: SEN. JAMES SEWARD, NY  
PRESIDENT-ELECT: REP. ROBERT DAMBON, NY  
VICE PRESIDENT: REP. GABRIEL KESSER, ND  
SECRETARY: SEN. CARROLL LEAVELL, NM  
TREASURER: SEN. VI GIMPSON, IN

January 26, 2009

Honorable Roger Sevigny, Commissioner  
NAIC President

New Hampshire Insurance Department  
South Fruit Street, Suite 14  
Concord, NH 03301

Dear Commissioner Sevigny:

NCOIL officers respectfully must insist that the National Association of Insurance Commissioners (NAIC) step back and reconsider the need for a so-called "emergency" proposal to loosen life insurance capital and reserving requirements. As fellow state officials involved in insurance regulation, we feel strongly that it is more important now than ever to protect policyholders and to fully and openly vet any proposal that would stray from the current regulatory environment—one which we believe has helped insurers avoid the worst impacts of the current financial crisis.

The proposal's timing could not be worse in light of the present economic decline, as it leaves the appearance that standards are being relaxed when the rest of the world is calling for more oversight. Such an action would fuel federal intrusion by sending a message that state insurance commissioners are not standing firm against strong-arming from industry—an industry that wants to boost consumer confidence by supplying questionable capital relief.

We agree with your January 5 statement regarding the proposal, "During this unprecedented time of economic upheaval, existing conservative state regulatory requirements have helped insurers remain solvent when other financial institutions were failing. Rigorous solvency standards protect companies — and, even more importantly, protect consumers."

Procedurally, we are gravely concerned over what has been characterized as a "secretive effort." We caution that a proposal of such magnitude should be debated in an open forum, allowing all interested parties to understand this highly technical undertaking and to share their concerns. We concur with consumer representatives that a deliberative process is necessary to determine if and how much relief is called for, and whether such relief best serves the insurance-buying public.

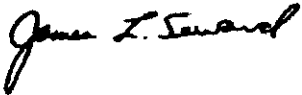
We believe that modeling is warranted for a proposal of such significance and question if the NAIC has done so—in line with NAIC assurances at our annual meeting that regulators would measure the financial impact of changes to capital and reserving requirements.

summary, insurance legislators and regulators have worked together to produce today's conservative and effective regulatory structure. We expect you to uphold that regime and stand by your December 5 promise to "make no move to modify the existing strong solvency standards without due consideration and sound reasoning."

We look forward to discussing this issue with you at anytime, including at the upcoming NCOIL Spring Meeting in Washington, DC.

Thank you for your time and consideration of this matter.

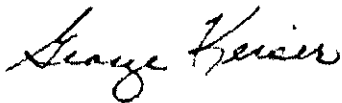
Sincerely,



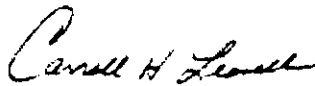
Sen. James Seward (NY)  
NCOIL President



Rep. Robert Damron (KY)  
NCOIL President-Elect




Rep. George Keiser (ND)  
NCOIL Vice President



Sen. Carroll Leavell (NM)  
NCOIL Secretary



Sen. Vi Simpson (IN)  
NCOIL Treasurer



Jane Cline, NAIC President-Elect  
Susan Voss, NAIC Vice President  
Kevin McCarty, NAIC Secretary-Treasurer  
NAIC Executive Committee  
NAIC Capital and Surplus Relief (EX) Working Group  
NCOIL Executive Committee

**HOUSE JUDICIARY COMMITTEE**  
**Chairman Duane Dekrey**

**Tracy Stein**  
**Director of Human Resources and Staff Development**  
**North Dakota Department of Corrections and Rehabilitation**  
**Presenting Testimony in House Bill 1285**

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Mr. Chairman and members of the Committee, my name is Tracy Stein, Human Resource Director for the Department of Corrections and Rehabilitation. I am here on behalf of the Department of Corrections and Rehabilitation in opposition to HB 1285. If this bill becomes law it will adversely affect North Dakota's correctional representation on a national level regarding supervision of interstate offenders and juveniles and it will affect public safety in this state.

The state of North Dakota is a member state of the Interstate Compact for Adult Offender Supervision (ICAOS) and more recently, the Interstate Compact on Juveniles. The two compacts require commissions, by-laws, and rules for the administration of the compacts. Also, the two compacts require the establishment of executive committees that act on behalf of their respective commissions, especially when the commissions are not in session, except for rule-making matters. The Director of the North Dakota Department of Corrections and Rehabilitation, or the Director's designee, is the compact administrator by law, for each compact.

The Directors for the Division of Adult Services and Juvenile Services within the North Dakota Department of Corrections and Rehabilitation are designated as Commissioners for the Adult and Juvenile Compact representing



the State or North Dakota and the North Dakota Department of Corrections. The Department of Corrections and Rehabilitation pay annual fees as part of the state's membership under each Compact.

Warren Emmer, Director of Adult Services for the department, has represented the state of North Dakota in the Interstate Compact for Adult Offender Supervision ("ICAOS") since 2001. Every state and three territories belong to ICAOS and thousands of adult criminal offenders are managed and supervised under the compact.

Lisa Bjergaard, Director of the Division of Juvenile Services, represents the state of North Dakota in the more recently enacted Interstate Compact for Juveniles. The Juvenile Compact is responsible for the management of interstate juvenile offenders. Ms. Bjergaard recently accepted responsibilities as the Midwest Regional Representative for the Juvenile Compact and will serve on the Executive Committee, chair the Finance Committee, and serve as time allows on the Rules Compliance Committee.

While meetings of the commissions and their committees are generally open meetings, the interstate commissions and any of its committees have the authority to close meetings under compact law. The process is somewhat similar to a public entity going into executive session under North Dakota law. There must be an announcement of the closed meeting, there must be recorded minutes, and there must be a summary of what was discussed.

The North Dakota Compact Commissioners participate as executive committee members for the Compact. They have been instrumental and taken

the lead on developing guidelines and procedures that states must follow for the orderly transfer of offender's through-out the nation.

Some of the responsibilities of executive committee members include investigating compact rule violations and administrating sanctions against member entities that may have violated the rules of the compact. The executive committees work in closed sessions when deliberating sensitive safety and security matters associated with rule violations. In closed session, they make determinations on those rule violations. These deliberations must be made in closed sessions until a decision is made and a final outcome is decided. HB 1285 would prevent our representatives from participating in those closed session.

Over the years Mr. Emmer has participated in many ICAOS meetings that have went into "Executive Session". The Interstate Compact for Juveniles has just recently become effective when the state of Illinois became the 35<sup>th</sup> state to join the compact and make it effective. It is important that North Dakota be at the table when compact public safety related issues are discussed in a closed committee session.

The Department of Corrections and Rehabilitation's Prison Industry and Education Deputy Director, Denny Fracassi, is a member of the National Correctional Industries Association (NCIA) and serves on an executive committee which also meets in closed sessions on occasion to deliberate personnel matters or other confidential deliberations. Prison industries operate in a manner unique to any other business in North Dakota. They are expected to

be self-supporting in markets restricted by state and federal statutes and simultaneously serve as a training environment to teach inmates work skills in an effort to reduce recidivism. The NCIA is the only organization that provides training specifically designed for this unique industry.

The North Dakota Department of Corrections and Rehabilitation also participates in the American Parole and Probation Association (APPA), another national association. They provide technical assistance and sponsor training opportunities for the correctional practitioner in order for its members to keep current with practices, issues and innovations as well as developing professional skills. The APPA has various executive and compliance committees that have responsibility for the overall leadership of the organization in which the general assembly does not participate. The meaning and content of HB 1285 would prevent a ND State correctional practitioner from the possibility of working on an executive committee within APPA during a closed meeting session which, at times, deliberates personnel issues during a closed committee meeting.

In summary, the contents of this bill will limit North Dakota Department of Corrections and Rehabilitation's representation and participation under the two Interstate Compacts and other important national correctional associations. North Dakota's participation in those associations has been instrumental in development of policies and practices that have increased offender accountability and improved public safety for North Dakota and nationwide.

Because these organizations and associations do have closed session meetings, HB 1285 would substantially impair the Department of Corrections and

Rehabilitation's ability to participate in the compacts and professional associations.

On behalf of the North Dakota Department of Corrections and Rehabilitation, I am requesting a "do not pass" on this bill.



## **House Bill 1285**

### **House Judiciary Committee**

February 2, 2009

Testimony of Lynn D. Helms, Director

The North Dakota Industrial Commission Department of Mineral Resources is heavily involved in several national organizations that deal with mineral exploration and production in the United States. Most notable are the Interstate Oil and Gas Compact Commission (IOGCC), Ground Water Protection Council (GWPC), and American Association of State Geologists (AASG). These organizations have in the past, and will continue in the future, to provide great benefit to our state. Our oil and gas statutes and administrative rules are built on the IOGCC model, and more recently this organization convinced congress to overturn an administrative practice called "net receipts sharing" that increased federal funds to our state \$240,000 per year. Our oil and gas database and website, considered by many to be the best in the nation, is built upon the GWPC software known as RBDMS (Risk Based Data Management System). Our participation in federally funded programs such as "state map" and "geologic data preservation" are directly impacted by committees of the AASG.

The Industrial Commission Department of Mineral Resources' representatives to these organizations frequently serve in leadership functions. I am currently 2<sup>nd</sup> vice chair of IOGCC and serve on the EPA, Nominating, and Steering committees. Our representatives to GWPC serve on the RBDMS Steering and RBDMS Technical committees. Our state geologist chairs the Associations and Affiliations committee of the AASG.

These leadership roles require active participation in committee meetings when the associations meet, but more importantly they require frequent participation in conference call meetings which saves the state a great deal of travel expense.

HB 1285 as written will require public notice and open attendance of all of these meetings and conference calls. My office alone will be publishing notice of six to ten calls per month. For all practical purposes passage of this bill will mean the end of any leadership role in these great national organizations for the state of North Dakota.

**Testimony**  
**House Bill 1285**  
**Judiciary Committee**  
**Monday, February 2, 2009; 9 a.m.**  
**North Dakota Department of Health**

Good morning, Chairman DeKrey and members of the Judiciary committee. My name is L. David Glatt and I am the chief of the Environmental Health Section for the North Dakota Department of Health. I am here today to provide testimony regarding the potential impacts House Bill 1285 would have on the Department of Health and ultimately the citizens of the state to have a voice in national environmental issues.

The department is aware of the critical need to have an open and transparent government as we move forward working for the citizens of the state of North Dakota. We are also aware that in the environmental protection arena, as with many other areas of public interest, that issues are not limited to the boundaries of the state and more often than not are of regional or national significance and impact. Due to the complexity of the issues, state agencies often look to national organizations to be their eyes and ears in Washington, D.C., and to give a unified states' voice to those who make the laws. Issues of states' rights, needs, concerns and activities that either support or conflict with national efforts are put forward. We believe that House Bill 1285 could severely restrict North Dakota's voice and participation on important national organizations in the following ways:

1. Several national organizations conduct executive or state member only meetings at their annual conferences. These meetings are crucial as they allow each state to have its voice heard on significant issues before the association. It is at these meetings that the association policy and direction, funding, executive officers and relationships with federal organizations are discussed, debated and agreed upon. This law would prohibit participation by North Dakota employees who are members of a national association. The net result is that North Dakota's voice, expertise and experience would not be heard.
2. North Dakota employees would be prohibited from participating as elected officers of national associations as they could be prohibited from participating in executive sessions or members-only meetings. Several of our staff are active and respected participants in national

organizations as association officers such as presidents or board members representing state interests. Again, our voice would not be heard on important environmental, national or regional issues.

Because we are a small state, we rely on active participation in national associations to get the rural state experience heard. As a single rural state, North Dakota has a difficult time being heard on national issues, but by getting our message out collectively with states of similar interest in regional or national associations, our voice is heard. We believe that House Bill 1285 would limit the voice of North Dakota.

This concludes my testimony. I am happy to answer any questions you may have.