

**2017 SENATE POLITICAL SUBDIVISIONS**

**SB 2229**

# 2017 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

SB 2229  
1/26/2017  
Job # 27452

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*MJ Warden*

### Explanation or reason for introduction of bill/resolution:

Relating to appointments to the Red River basin commission

Minutes:

**Chairman Burckhard** opened the hearing for SB 2229. All senators were present.

**Senator Rich Wardner**, District 37, introduced SB 2229. I bring this bill before you because one of our caucus members is on an advisory group to the Red River Basin commission and does not have a voting, but he has to go to all the meetings and was asking if he could get some compensation from the Legislature. The answer is no, he can't because it's not our legislation in our rules that he's a part of Legislative Management he is appointed. That is what this bill does, so I called Jeff Lewis who is with the Red River Basin Commission and talked to him and I said is this a problem? Heavens no, they were happy. So, they are not on the board but they are ex official. What this bill does is that the Majority leader in the House select one person to be there, and the Majority leader in the Senate would select one person to be there, and then when they go to all these meetings, they get compensated like going to any other legislative interim committee. That's what we do with this bill.

**Chairman Burckhard**: So, they would get a mileage rate and a per diem for attending the meetings, is that the thought?

**Senator Rich Wardner**: That would be correct. Senator Luick is an ex official and he does represent his area of the state, and us for that matter and he is going all the time to the meetings. Now we need to remember that the things that are happening in the Red River Valley are important to us as a legislature, and especially in the Senate. Because we got lots of things moving down there, we've got the diversion, Red River Water project to get water there, we need to know what's going on, to have our scouts out there and this basically what these people are, they are scouts, they know what's going on, plus their getting input.

**Senator Anderson**: Do you know if the other members of the Red River Commission are compensated when they attend the meetings:

**Senator Rich Wardner:** If they are on the board they are, if they are ex official they are not and I don't know where the ex- officials, what other organization send ex official, but it I think we are allowing to legislative bodies the House and the Senate to send an ex official.

**Senator Anderson:** Follow up then, I would like to know whether the other members of the commission get per diem and expenses or just expenses or what is the differences?

**Chairman Burckhard:** We will find out.

**Senator Judy Lee:** The Red River Basin, Senator Luick has been going and representing the interest of the property owners who are south of Fargo, because part of that area is in his district. But is there somebody, so he has a vested interested especially from is district, and part of the point here it is necessarily reflected in the attitudes of everybody in the Senate. But the other thing is, is there now another member that is ex officio on the Basin Commission that would be a House connection person and is there any determination of whether that individual might come from? What I am saying is we shouldn't have two from either from the pro or two from the con, and you can't put that into a bill, but I am trying to figure out how you're going to do this.

**Senator Wardner:** I will visit with the leader of the House, Carlson, and make sure that we have balance. It doesn't mean that it will be Senator Luick will be the one that will be necessarily appointed yet, so, but I using him as an example and he has been very involved on that. finding out what other people are compensated for being on that I think is appropriate.

**Senator Diane Larson:** How many other boards and commissions that Legislators are appointed to that they don't get compensated for something, because I know that I am on two of them, and I have never even thought about putting in for compensation.

**Senator Wardner:** Probably not really any. This might be the first one and it was only because we are so involved in water issues that we need to know what's going on. Now, if you're making the point you do it for this group then you might have to do it for somebody else. The point well taken.

**Chairman Burckhard:** Senator Wardner said he would call Mr. Lewis this afternoon and he would that information for the committee.

Chairman Burckhard closed the hearing for SB 2229.

Committee discussion:

**Senator Anderson:** I think we need to get the information. We need to answer Sr. Larson's question. I am pretty sure there are some appointed positions where they get compensation, but I don't think there is always a lot of them. It might be that we just need to ask whoever works legislative council for legislature management, I know the point is to give us a summary of who gets paid and who doesn't because I think to pick this one out and say they should get paid would be a mistake. Because we've got 20 other legislatures serving on others uncompensated and I am a little troubled by whether they get both per diem and expenses. I can understand getting expenses if you have to travel to meetings or whatever, but I am not sure that per diem is appropriated because like I said, we have a lot of other kinds. Now I



serve on the Health Council as a Governor's appointee not from the Legislature, and of course the Health Council pays \$64. 50 a day compensation if you serve on it.

**Senator Diane Larson:** I guess I am not on a legislative appointed one either, I am on a governor's task force for juvenile justice and I don't get compensated anything for that and chief justice appointed me to a board and I don't get compensated for that. So, I just was wondering if this is going to open up a bunch of other people saying, now I want to be compensated for our time, that concerns me a little bit. But maybe the difference is whether it is an appointment by the court or by the governor versus by the Legislative Council.

**Senator Dotzenrod:** It's interesting this bill because it doesn't say anything here about paying anybody. It just says "we're going to create this new section to 54.03, so I am going to assume that if you went to the Century Code and looked at 54.03 what you find there is a list of things that are by being in that spot. They are entitled to certain things. I don't know what that says. Does it say mileage and per diem, or does it say they are entitled to those compensations that are. **Chairman Burckhard:** 54.02 is Legislative Assembly. **Senator Dotzenrod:** You would be paid the daily rate that a Legislator would be paid if you're in that, the difference is \$177 a day and mileage stated Chairman Burckhard.

**Senator Judy Lee:** I appreciate that the authority of the people who are some of the sponsors on this bill, but I share the concern and I drive more than 5 miles to get to the ones that I can. I have been very involved in the last 3 years with the Behavioral Health and Substance Abuse which is separate from interim committees and everybody who shows up for that is on their own dime and their own time. Nobody gets paid anything mileage or hotels or anything, never mind for per diem. With all due respect to Senator Luick, he is at those meetings because he has a serious vested interest and so he will be there anyway whether he is appointed to that position or not. But he is not going to be a neutral party on that particular basin commission. So I do have a concern about that. I'm really apprehensive about this being a slippery slope. I mean I figure of my responsibility in doing what I do here is participate in some of those things and I just, we don't get paid a lot of money but I figure there's enough there to buy gas and pay a hotel room if I have to stay over. We try to schedule our stuff so it that it isn't an overnight.

**Chairman Burckhard:** Your right Senator Dotzenrod, it doesn't say, it just says appointments.

**Senator Dotzenrod:** One of the thoughts I had well if you went to 54.03 it would be people who serve on the Garrison conservancy district, would they be in there? Are there many other types of things that we need to do as a state, like the Indian Affairs commission, or if there's appointments, there is really hundreds of appointed and boards and advisory committees, so I don't know if there is such a thing. Is there a complete list, so I guess I will look at 54.03 to see what's in there, and what isn't.

**Senator Anderson:** Another issue is when we were talking about the senator was serving as an ex officio member now, ex officio really means 'by virtue of your office or other positions' so that means that either he's appointed by the Legislature or he's just attending on his own maybe, I don't know. But I think that is one thing we need to resolve here because if we are actually picking them as ex officio, by virtue of his office or whatever, then it might be a

different situation than people who are just attending on their own too. I think we need to ask a few more questions. If you want to ask to about the list of people who are appointed and compensated and how their compensated? Chairman Burckhard: replied, he would find out.

**Ian:** If you want to look at the revelant section, 54.03-20 and another school of thought my first initial thing, he referenced 54.03-10.

**Senator Anderson:** You are saying the appointees that are saying \$5, majority and minority are legislative employment, officers were \$10 per day on top of it.

**Senator Diane Larson:** No that is if they are the leader, not appointed by them, right?

**Ian** replied no it says the leaders get \$15 as employees.

**Chairman Burckhard:** referenced CC, Compensation of Speaker, Majority and Minority leader

**Senator Dotzenrod:** constitutional provision legislators get \$5 day the voters voted it down.

**Chairman Burckhard:** Yes, we have to do a little bit of homework, I will find out who is appointed and who is compensated.

**Senator Judy Lee:** It said a new section, referring to the bill, 54:03-34.

**Chairman Burckhard** closed the hearing on SB 2229.

# 2017 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

SB 2229  
1/26/2017  
Job # 27485

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*MJ Work*

### Explanation or reason for introduction of bill/resolution:

Relating to appointments to the Red River Basin Commission

### Minutes:

Chairman Burckhard opened and closed discussion on SB 2229. No testimony or discussion was held.



# 2017 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

SB 2229  
2/2/2017  
Job # 27784

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to appointments to the Red River basin commission

### Minutes:

**Chairman Burckhard** asked the committee to look at SB 2229. All senators were present.

**Chairman Burckhard**, we had this committee meeting last week, and it was sponsored by Senator Wardner, and Senator Luick was the co-sponsor. The topic whether there should be pay for certain appointed members and Senator Wardner had several discussions about that. He thinks it is going to just open up a can of worms and that maybe we should not pass this bill.

**Senator Anderson:** Were we able to gather any definitive information about how many of these appointments there might be or whatever?

**Chairman Wardner:** He just thought it was a can of worms and we shouldn't go there.

**Senator Judy Lee:** It is a Pandora Box.

**Senator Diane Larson:** I think that is just part of being a member or your community. You're going to sit on various boards and commissions because of your background, or where you live or your expertise and if you're a community member that is what you do, it doesn't mean you get paid for everything that you do.

**Chairman Burckhard:** Well if you put on a lot of miles or a lot of expense maybe you should talk to the group to ask for some reimbursement for mileage.

**Chairman Burckhard:** it was moved for a **Do Not Pass: Senator Judy Lee**  
**2<sup>nd</sup>: Senator Diane Larson**  
**Roll call vote: 6-0-0**  
**Carrier: Senator Burckhard**

Date: 2.2.17  
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2229

Senate Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Sen. Judy Lee Seconded By Sen. Diane Larson

Senators	Yes	No	Senators	Yes	No
Chairman Randy Burckhard	✓		Senator Jim Dotzenrod	✓	
Vice-Chairman Howard Anderson	✓				
Senator Jordan Kannianen	✓				
Senator Diane Larson	✓				
Senator Judy Lee	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Burckhard

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



**REPORT OF STANDING COMMITTEE**

**SB 2229: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends  
**DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was  
placed on the Eleventh order on the calendar.