

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2363

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2363

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2363

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date February 8, 2001

Tape Number	Side A	Side B	Meter #
1	X		37.8-End
1		X	0.0-0.5
3	X		8.7-22.6
Committee Clerk Signature <i>James A. Rail</i>			

Minutes: **Chairman Krebsbach** opened the hearing on SB 2363 which relates to the prohibition of expense reimbursement by state officers and employees while engaged in political activity.

Appearing before the committee to introduce the legislation was **Senator Gary Nelson**, District 22, primary sponsor of the bill. He asked the committee's support of the bill. He indicated that he is not sure that many people are aware that if they came to Bismarck for a meeting and at the conclusion of the meeting they were to stop at the Democratic Headquarters or the Republican Headquarters for any reason at all, that you no longer qualify for expense reimbursement for that particular meeting. He indicated he thinks he knows the genesis for the reasons that this is in state law and this becomes a very touchy subject. He indicated that he doesn't know many legislators who haven't violated this at one time or another, or other state elected officials. He indicated that if everyone was honest we know that both parties have had occasion to violate this. Most of it has come from the fact that people don't even realize that this is on the books. He believes that we should be upfront and address this. There are many good reasons for people to

attend various functions when they come to Bismarck. At the risk of having it blown all out of proportion by the news media, let's change it so that we are within the boundaries of the law.

**Senator T. Mathern** inquired we as legislators are already under this provision, this is just extending it to everybody. **Senator G. Nelson** indicated no, everybody is under this provision and this is just eliminating the political activity. This allows us to be reimbursed even if you do engage in some political activity on the same day that you are asking for reimbursement. If you are really honest about it you know that both political parties sometime sponsor events when they know a number of legislators are going to be in town. He knows that the minority had a fund raiser last week. He indicated it was questionable whether you could apply for the \$650.00 and use that portion from that day as an expense reimbursement the day that you had the fund raiser. **Senator T. Mathern** indicated he was confused because what Senator Nelson was saying didn't seem to relate to what the bill says. **Senator G. Nelson** indicated the content does seem somewhat confusing. A discussion ensued with **Chairman Krebsbach**, **Senator T. Mathern**, **Senator Dever**, and **Senator G. Nelson** participating. **John Olsrud**, with Legislative Council appeared before the committee. The key in the whole change in this bill is in line 13. We have been aware of this statute for a number of years and have been waiting for someone to use it in a campaign against an incumbent sometime. It would be bipartisan, it could apply to either political party. You come in particularly for an interim committee meeting and you get reimbursed for your travel to Bismarck and then you stay overnight, but then that same night that you drove in you go to a political fundraiser or dinner on your own time in the evening. A literal reading of this statute would say that you can't get your expenses for that day because you engaged in political activity on that day. That is the concern. All the other changes are just cleaning up the statute. **Senator T. Mathern**, **Senator G. Nelson**, **Senator Kilzer**, and **John**

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Senate Government and Veterans Affairs Committee

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**Olsrud** participated in a short discussion relating to the proposed changes this bill is making.

**Senators G. Nelson, Chairman Krebsbach, Mr. Olsrud, and Senator Dever** participated in a short discussion. There was nothing further at this time. No further testimony was presented on the bill. **Chairman Krebsbach** closed the hearing on SB 2363. **Chairman Krebsbach** reviewed what the committee had heard on this bill earlier in the day. She indicated that **John Olsrud** had come before the committee and explained why they had removed the language on line 13; on any day on which political work was done. According to the law we should not have been paid for any day that we did anything with a political group or anything of that nature. Now it just changes that while engaged in a political activity. So in other words we wouldn't receive any pay while we were at a political function. **Senator C. Nelson** wanted to know how they are going to determine that? She indicated that he brought up the Democratic fund raiser that they had last week. That was at 5:00 o'clock. Are they going to take 1/12th of our pay because we were there from 5 to 7. **Chairman Krebsbach**, No. The point here is what they are trying to do is fix this for us. To say that you may receive pay, your normal pay and your normal expenses during that period of time. Discussion continued with **Chairman Krebsbach, Senators, T. Mathern, C. Nelson, Dever, Kilzer, and Wardner.** (Tape 3, Side A, Meter #'s 11.0-20.7) A motion for a Do Pass was made on SB 2363 by **Senator Wardner**, seconded by **Senator Dever**. There was no further discussion. Roll Call Vote indicated 5 Yeas, 1 Nay, and 0 Absent or Not Voting. **Senator Kilzer** will carry the bill.

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/25/2001

Bill/Resolution No.: SB 2363

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

No fiscal impact.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Pam Sharp	<b>Agency:</b>	OMB
<b>Phone Number:</b>	328-4606	<b>Date Prepared:</b>	01/25/2001

Date: 2/08/01  
Roll Call Vote #:

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2363**

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

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

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

Action Taken Do Pass

Motion Made By Sen. Wardner Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator Carolyn Nelson	✓	
Senator Dick Dever, Vice-Chr.	✓		Senator Tim Mathern		✓
Senator Ralph Kilzer	✓				
Senator Rich Wardner	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Sen. Kilzer

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

**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2001 5:22 p.m.

Module No: SR-23-2807  
Carrier: Kilzer  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2363: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2363  
was placed on the Eleventh order on the calendar.



2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2363

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2363

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 3/01/01

Tape Number	Side A	Side B	Meter #
2	X		1021-1788
	X		2700-2832
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. M. KLEIN called the hearing to order with all committee members present.

In favor:

SEN. G. NELSON, DISTRICT 22

NELSON is one of the main sponsors on the bill. Talking of claiming reimbursement.

REP. CLEARY asks if they could attend a caucus under this bill and not be in trouble? NELSON states that is a gray area. REP. CLEARY asks if they would be able to attend receptions given by lobbyists then? NELSON states that is open for interpretation.

In favor:

REP. WES BELTER, DISTRICT 22

BELTER is also one of the main sponsors on the bill. BELTER is questioning the current law.

Talking about violations.

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House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2363

Hearing Date 3/01/01

REP. M. KLEIN asks if this bill is written around the transportation part of it. BELTER states that all the compensation for travel will be covered. SEN. G. NELSON states that all compensation, but under the transportation code.

Being there was no further testimony in favor or opposing the hearing was then closed. Action was taken later that afternoon, with all members present except REP. KASPER.

REP. BRUSEGAARD motioned for a DO PASS, seconded by REP. CLARK. The roll call was taken with 14 YES, 0 NO and 1 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is REP. HUNSKOR.

SB 2363: DO PASS 14-0

CARRIER: REP. HUNSKOR

Date: 3-1-01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2363

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Subcommittee on \_\_\_\_\_

or

☐ Conference Committee

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

Action Taken No Pass

Motion Made By Brusegaard Seconded By Clark

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER	✓	
VICE CHAIR GRANDE	✓				
REP BELLEW	✓				
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN	✓				
REP HAAS	✓				
REP KASPER					
REP KLEMIN	✓				
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY	✓				
REP HUNSKOR	✓				
REP METCALF	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Hunsakor

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 1, 2001 3:13 p.m.**

**Module No: HR-35-4639**  
**Carrier: Hunsdor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2363: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)**  
**recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2363**  
**was placed on the Fourteenth order on the calendar.**