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10/21/03
Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2221

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10/21/03
Date

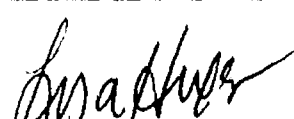
2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2221**

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 01/03/30

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|----------|
| Tape 2 | | x | 220-2230 |
| | | | |
| | | | |
| Committee Clerk Signature  | | | |

Minutes:

Senator Karen Krebsbach, Chairman opens SB 2221. All Senators present.

Senator Kilzer (Testimony attached)

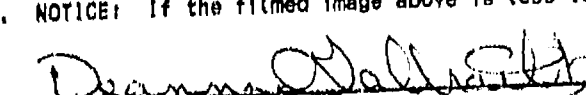
Senator Fairfield : I don't understand homogeneous.

Senator Kilzer: Other retirement funds that represent, each have a board of homogenous that represent certain clientele within the group. Their commission is more of a hybrid commission. One person from Executive Branch, Legislative, or Judicial.

Senator Fairfield : Is that enlarge part due to your previous comment that this has been largely ignored by governors and legislators?

Senator Kilzer: the way the commission works is that they have 2 to 3 meetings during the interim state employees come in and give their testimony to the commission and as the budgeting

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10/21/03
Date

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2221

Hearing Date 01/30/03

process starts this commission makes a recommendation to the governor and this is a very high recommended number of increase.

Representative Jeff Delzer, sponsor of SB 2221.

He has served on commission for 2 biennium's and has some real concerns about the value of the commission. If you keep this commission I feel it should be legislative driven.

Senator Fairfield : Do you think it is wise to begin to eliminate commissions simply because you don't agree with their recommendations?

Rep. Delzer: I am not saying this because we disagreed with their recommendation.

Senator Dever : If we eliminate employee commission do the employees have the opportunity to represent their case otherwise?

Rep. Delzer: I believe they do, they have very good people representing them as lobbyists. The legislative branch is very open and we get the same information in appropriations. I appreciate what state employees do.

Opposition

Chris Runge, Executive Director : Lobbyists represent a smaller amount of employees than we should and we had collective bargaining we would be able to sit across the table with members of the state. The lack of creditability after the recommendation and maybe those recommendations don't have credibility with certain bodies but they do have creditability with state employees. This is what is needed for public employees, not necessarily what the budget can afford. keep it. If legislators don't want to serve on the committee then that is amendment that could be proposed.

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2221

Hearing Date 01/30/03

Senator Nelson : Stand alone commission that is kind of out there and maybe they should be reporting to the employees benefit committee.

Senator Fairfield : What do you respond to Senator Kilzer's hybrid committee?

Runge: I think it is a neat committee because you bring toothier all these people, and listen to all these problems and can speak openly and freely. It has been valuable.

Tom Tupa, independent ND State Employees Association, this commission is a good mechanism for research and information and everyone gets a voice and recommendation and then takes it to the governor. I would suggest to kill this bill and come back with committee to review this commission.

Closed SB 2221

tape 3 Side A

Representative Delzer and Senator Kilzer stated they would not mind if this just turned into a study.

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10/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2221

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 02/13/03

| Tape Number | Side A | Side B | Meter # |
|---------------------------|--------|--------|-----------|
| Tape 2 | x | | 1200-1700 |
| | | | |
| | | | |
| Committee Clerk Signature | | | |

Minutes:

Senator Karen Krebsbach, Chairman reopens SB 2221. All senators present.

Senator Wardner : I was here when we established it in house. I feel this is a place where employees can vent and then someone can bring it to the legislature. I feel the least we can do for state employees is to keep this.

Senator Wardner moves a Do Not Pass

Senator Fairfield seconds

6 Yes 0 No

Carrier: Senator Wardner

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10/21/03
Date

FISCAL NOTE
Requested by Legislative Council
01/21/2003

REVISION

Bill/Resolution No.: SB 2221

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.

| | 2001-2003 Biennium | | 2003-2005 Biennium | | 2005-2007 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | (\$1,500) | | (\$1,500) | |
| Appropriations | | | | | | |

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

| 2001-2003 Biennium | | | 2003-2005 Biennium | | | 2005-2007 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.

Per diem and expense reimbursement is provided to the four legislative members of the commission. If state employee members are from Bismarck and meetings are held in Bismarck, no expense reimbursement is paid to the state employee members. Assuming all four legislative members attend two meetings per biennium, stay overnight in Bismarck, receive the maximum meals reimbursement, and drive an average of 100 round trip miles to attend the meetings of the commission, biennial savings to the Legislative Council would be approximately \$1,500.

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.

| | | | |
|---------------|----------------|----------------|------------|
| Name: | Joe Morrisette | Agency: | OMB |
| Phone Number: | 328-1024 | Date Prepared: | 01/21/2003 |

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Operator's Signature

Joe Morrisette

Date

10/21/03

FISCAL NOTE
Requested by Legislative Council
01/17/2003

Bill/Resolution No.: SB 2221

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.

| | 2001-2003 Biennium | | 2003-2005 Biennium | | 2005-2007 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | \$5,000 | | \$5,000 | |
| Appropriations | | | | | | |

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

| 2001-2003 Biennium | | | 2003-2005 Biennium | | | 2005-2007 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.

Per diem and expense reimbursement is provided to the four legislative members of the commission. If state employee members are from Bismarck and meetings are held in Bismarck, no expense reimbursement is paid to the state employee members. Assuming all four legislative members attend two meetings per biennium, stay overnight in Bismarck, receive the maximum meals reimbursement, and drive an average of 100 round trip miles to attend the meetings of the commission, biennial savings to the Legislative Council would be approximately \$1,500.

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.

| | | | |
|---------------|----------------|----------------|------------|
| Name: | Joe Morrisette | Agency: | OMB |
| Phone Number: | 328-1024 | Date Prepared: | 01/21/2003 |

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Date

Date: 2/13/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2221

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Wardner Seconded By Fairfield

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|-------------------------|-----|----|
| Senator Karen Krebsbach, Chr. | ✓ | | Senator April Fairfield | ✓ | |
| Senator Dick Dever, Vice Chr. | ✓ | | Senator Carolyn Nelson | ✓ | |
| Senator Richard Brown | ✓ | | | | |
| Senator Rich Wardner | ✓ | | | | |
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Total (Yes) 6 No 0

Absent 0

Flo. ~ Assignment Wardner

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

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Deanna Waller

Date

10/21/03

REPORT OF STANDING COMMITTEE (410)
February 13, 2003 4:14 p.m.

Module No: SR-28-2653
Carrier: Wardner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2221: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2221 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-28-2653

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Deanna D. Ball

10/21/03

Date

2003 TESTIMONY

SB 2221

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Deanna D. Hall
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10/21/03
Date

TESTIMONY
SB 2221
Senator Ralph Kilzer

Madam Chairman and members of the Senate Human Services Committee:

My name is Ralph Kilzer, State Senator from District 47 in Bismarck. I appear before you this morning to testify in favor of SB 2221.

SB 2221 would repeal the section of the code referring to the State Employees Compensation Commission (SECC).

The State Employees Compensation Commission was started by the statute in 1993. The commission has the goal of making recommendations on appropriate levels of state employee compensation and fringe benefits. The commission may not consider conditions of employment other than salary and fringe benefits. The Central Personnel Division shall provide staff services for the commission. The commission is chaired by the governor or his designee. The four members of the legislature appointed by the chairman of the legislative council are members of the commission, in addition to four state employees on the commission, three of the state employees must be members of the classified service and one must be a member of the non-classified service of the state. The Central Personnel Division conducts the election of the employee representatives. Each of the elected commission members serves a term of four years and may be re-elected for additional terms of office. The appointed commission members serve for a term of two years and may be re-appointed for additional terms. There has been some difficulty in the past about replacing appointed commission members who have left the state employment.

The reason that I have brought this bill forward is that I do not feel that the commission has reached its goals and probably will be unable to do so in the future. We have a process of budgeting for the state and the state employees that do have input into this process at other levels besides this commission. Thus, it is my opinion that it would be better for the state employees to work through their departments in seeking appropriate compensation rather than going through the State Employees Compensation Commission which has largely been ignored by governors in the past and by the legislative process. As with all hearings, the Appropriations Committee in both the Senate and the House, time is given by the chairman of each Appropriations Committee for employees to appear and make their case.

While the elimination of the State Employees Compensation Commission would not save a lot of money, it my opinion that it has not been successful and has not been effective in coming anywhere near the level of compensation desired or in the preservation or addition of fringe benefits. Thus, to me this has been an experience that has been somewhat frustrating and I'm sure it has been that way to other members of the commission.

If there are any questions, I would be glad to attempt to answer them.

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12/21/03
Date

STATE GOVERNMENT

GENERAL

stitution of higher education at the same time. If the institution of higher education is not the employee v. union, if a member of the union is another current member, the moving member must be approved by the person who is in the election.

Note.

Effective Date.

Effective Date. This section became effective August 1, 2001.

This section is effective through June 2005, and after that date is ineffective, pursuant to section 2 of chapter 474, S.L. 2005.

commission shall meet as often as may be necessary, but at least once a month. The commission shall consider the interests for state and local issues to the governor of the executive branch of the legislative council at the legislative council receives the recommendations of the members of the commission. The members of the commission are entitled to compensation for each day in the same manner as provided for reimbursement from the necessary expenses incurred by the amounts provided for a state employee member of the commission for reimbursement for necessary expenses at the commission meetings at the commission section 54-06-09 and may receive a salary for attendance at the commission of state employees. Each member of the commission shall be entitled to the state employees' nonclassified service pension if the employee is in a position. In order to receive a vacancy on the commission, a nonclassified service or nonclassified position. Student and nonclassified appointees of the commission, participate in the commission, or vote for members of the commission, an employee who that employee may receive a regular expiration of

6. The central personr
opening on the comm

Operator's Signature

Date _____

suggestion incentive comparison report by the agency head is entitled to identified in the report as commuting program for the amount of two thousand dollars. A more than two thousand dollars number of employees that are setting and the total savings is located away from a central office to receive twenty percent of any savings, a maximum of two thousand dollars per year. Any use twenty percent of any savings in time technology, equipment.

This section is effective through June 30, 1994, and after that date is ineffective, pursuant to section 2 of chapter 474, S.L. 2001.

Compensation commission — A

The commission shall make recommendations of state employee compensation. It shall not consider conditions of employment or benefit issues. The commission shall provide services for the commission. A member of the commission is a member of the commission. Four members of the legislative council are members of the commission. State employees are members of the commission. The members of the commission must be members of the commission. The central personnel division shall ensure that a notice of an election to the commission is provided to an officer of the commission.

institution of higher education or agency may serve on the commission at the same time. If two or more employees from the same institution of higher education or agency appear on the ballot at the same time, the employee with the highest vote total is elected to the position. If a member of the commission moves to another agency where another current member of the commission is employed, then the moving member must resign. Vacancies on the commission must be filled by the person who received the next highest vote total in the previous election.

The commission shall meet at the call of the chairman as often as may be necessary, but at least once during each year of the biennium. The commission shall consider proper levels of compensation and fringe benefits for state employees and make its recommendations on these issues to the governor in time for consideration in preparation of the executive budget to be submitted to the next legislative assembly. The commission shall also submit its recommendations to the legislative council at the biennial meeting at which the legislative council receives the reports of its interim committees.

The members of the legislative assembly who are commission members are entitled to receive compensation from the legislative council for each day in attendance at commission meetings in the same manner as provided for members of the legislative council and reimbursement from the legislative council for travel and other necessary expenses incurred in performing commission duties in the amounts provided for state employees under section 54-06-09. The state employee members of the commission are entitled to receive reimbursement for necessary expenses incurred in attending commission meetings at the rates provided for state employees under section 54-06-09 and may not be assessed any annual leave or loss of salary for attendance at meetings of the commission. The employing agency of state employee members shall pay their expenses.

A member of the classified service may be a candidate for election to the state employees compensation commission. A member of the classified service may be a candidate for election to the commission if the employee occupies a regularly funded and approved position. In order to vote for a candidate in the election to fill a vacancy on the commission, an employee must be a member of the classified service or must occupy a regularly funded and approved position. Student and temporary employees, elected state officials, appointees of the governor are not eligible to serve on the commission or participate as a candidate for election to the commission. If after election to the commission, an employee moves from one type of service to another, the employee may continue serving on the commission until the expiration of that employee's term.

The central personnel division shall ensure that a notice of an election to the commission and the election is provided to an officer of the commission.

54-06-25

STATE GOVERNMENT

OEN

at each agency and institution. The officer at each agency or institution shall post the notice in a conspicuous place. The notice must include a statement of voter and candidate eligibility, candidate nomination requirements, the date of the election, and where to obtain the nomination petitions for filing.

7. In order to be placed on the commission ballot, an employee must contact the central personnel division for a petition form. The petition form must be returned to the central personnel division no more than twenty calendar days after the publishing date of the notice by the central personnel division with at least one hundred signatures of eligible state employees. Petition forms that are incomplete, or are returned after the required date, must be declared void.
8. The ballot must be prepared by the central personnel division and distributed to each agency and institution payroll officer. An officer at each agency and institution shall provide mailing labels for qualified employees to the central personnel division upon the division's request. A ballot for the election must be distributed with each employee's payroll check on the employee's regularly scheduled payday.
9. Employees of the central personnel division shall count the ballots following the final day that the ballots must be returned. Each candidate may have one overseer present at the ballot counting who may examine each ballot as to its sufficiency after the ballot has been counted. A candidate may act as that candidate's overseer. If a candidate wishes to designate a representative to act as the candidate's overseer, the candidate must provide a notarized authorization to the election committee at the counting of ballots. An overseer may act on behalf of more than one candidate; however, the overseer must show required authorization from each candidate represented. The overseer may question the decision of the ballot counters regarding a ballot immediately after the counting of the ballot. If questioned, the comments of the overseer must be heard. The central personnel division or the division's representative shall decide if the complaint is valid and whether the ballot will be accepted. The decision of the central personnel division or the division's representative is final and must be given in writing. Once all ballots have been counted and all questions raised by the overseers have been decided by the central personnel division or the division's representative, the election is closed and results must be declared final. The central personnel division shall notify all candidates of the election results within ten working days of the election.

Source: S.L. 1993, ch. 513, § 1; 1995, ch. 501, §§ 1, 2; 1997, ch. 432, § 24; 1997, ch. 440, § 1.

Use of state time by any other person or a state employee for essential functions with the function of the institution. When an employee is away from the institution and long-distance travel is required, the official's time shall be used to make a call to the state agency or institution for reasonable personal purposes.

1997, ch. 441, § 1.

27. Emergency services or proclamation of emergency. Chapter 37-17.1, American red cross in the state agency or institution. A leave of absence for an emergency services employee, a firefighter, police officer, or other services employee for the purpose of emergency services. A person who is an employee of the government shall receive compensation. The cumulative loss of compensation shall not exceed five working days of overtime for which the employee is entitled to receive compensation.

Source: S.L. 1999, ch. 448, § 1.

54-06-28. Emergency services, firefighters, emergency services, and civil air patrol. The governing body of any political entity for the purpose of leave with compensation shall be the entity for the purpose of call if the employee is a firefighter, emergency services employee, or civil air patrol.

Source: S.L. 1999, ch. 448, § 1.

Operator's Signature

10/21/03
Date