

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1129

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1129

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1129

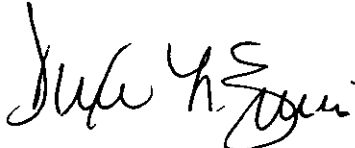
House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/07/05

Tape Number	Side A	Side B	Meter #
1	x		26.3-36.9

Committee Clerk Signature



Minutes: HB 1129-Relating to the allowance for state officers and employees for meals outside the continental United States. 13 members present, 1 absent

Chairman Haas: We will open the hearing on HB 1129.

Laura Glatt-Vice Chancellor for Administrative Affairs with NDSU-For-Attached Testimony.

Rep. Grande: When we received the fiscal note from OMB, that is no way to determine, since this coming from NDUS, could we have you go back and find out for us who can have a handle on what we are dealing with for cost. Previous biennium and what it cost for that travel and what it would cost if we would have had this in place.

Laura: We can certainly provide you with an estimate of what the impact would be, I am not sure that we will be able to go back and tell you exactly how much was spent the previous biennium and goes back to the previous conservation about how travel expenses are accounted for there isn't necessarily a separate cost center for travel outside the United States versus travel

in the United States. We can provide you with a good estimate of the information, at least for the University system.

Rep. Grande: Along those lines, as you were speaking you talked about a lot of the research that is going on Federal Grants, why isn't the Federal Government picking up all of the costs, why is there incurring costs with Federal travel?

Laura: Perhaps I wasn't clear, the Federal Grant does pick up the cost, but the ironic thing is, because they are still considered State Employees they are held to the State Statute which limits the reimbursement, so Federal funds pay for it, but they are not reimbursed at the Federal rate, they are reimbursed at the rate in State Statute, because they are still considered State employees.

Rep. Grande: If that is the case as a State employee they are not incurring extra costs with their travel, they are still being reimbursed for everything they do.

Laura: No, they are only reimbursed up to the maximum rate that are allowed in State Statute, either the 1 and half times or the 2 times, depending on location of travel, **they** may in many instances incur more costs, then they are absorbing on their own and just like if you and I were traveling in State and we couldn't find a hotel that honored State rates, which happens fairly routinely, I as individual employee then would pick up the difference, between what the State would reimburse me the 45 dollars and the actual cost of the hotel, so that is part of the reason for our proposing the change, is that we are finding the costs of these employees is more than what is currently provided in State Statutes and the Federal reimbursement is more closely aligned with the actual costs.

Rep. Sitte: If a teacher is taking a group of students to France for three weeks, is that usually a separate contract or with the tour company for instances or would that all fall under it to.

Laura: That is a good question and I am sorry I don't know the answer, but I can find out for you.

Rep. Sitte: OK thanks.

Rep. Klemin: The United States per diem committee, do they evaluate them on a continuing basis, the difference between the value of a dollar versus the other currencies, these other countries that we are looking at to determine these increases.

Laura: I am not certain how they evaluate and the reason for the changes in their rates, but they do update their rates regularly.

Rep. Klemin: How do we become aware of those rates?

Laura: I have a partial copy here, if you print the file it is really long, but they have a web site and I can certainly provide you the reference if you would like and at least a partial copy of and its long, as you can see this only a partial copy, it lists every country, but I can certainly provide you with some reference and the web site reference where you can look up those rates.

Rep. Haas: We would like to have a copy and at least have access to the web site. Is there a difference between the rates that are established by the United States per diem committee and the Department of State?

Laura: No, actually the U.S. per diem committee falls under the government of the U.S. Dept. of State.

Chairman Haas: So why in the bill do we refer to the per diem committee and the Dept. of State, would it not be a little clearer, if we simply referred to the per diem committee in both of those paragraphs?

Laura: Section for and Section 5, I will seek clarification on that from NDSU, but that is my understanding that they are one in the same, but I will seek clarification.

Rep. Conrad: This will not cost us any money, since the Federal Government will reimburse at their own rate.

Laura: Certainly it would it would cost the grant money.

Chairman Haas: Thank you very much. Any more questions?

Hearing is closed.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1129

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/20/05

Tape Number	Side A	Side B	Meter #
1	x		35.6-38.7

Committee Clerk Signature

Minutes: Relating to the allowance for state officers and employees for meals outside the continental United States.

Voting:

Chairman Haas: Lets look at HB 1129. What is the committees wishes? Rep. Klemin moves Do Pass motion on HB 1129, is there a second, seconded by Rep. Sitte. Is there any discussion, if not I will ask the clerk to take the roll, please.

VOTE: YES 11 NO 1 ABSENT 2 DO PASS ON HB 1129

REP. KASPER WILL CARRY THE BILL.

FISCAL NOTE
Requested by Legislative Council
01/25/2005

REVISION

Bill/Resolution No.: HB 1129

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$30,000	\$0	\$30,000
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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.*

The proposed change would result in an additional annual cost of approximately \$30,000. Most of this paid from grant and contract funds.

The above information (1A) was obtained from the University System and pertains to the University System. Unable to determine the fiscal impact on state agencies.

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: Eileen Holwegner
Phone Number: 328-1666

Agency: OMB
Date Prepared: 01/28/2005

FISCAL NOTE
Requested by Legislative Council
01/03/2005

Bill/Resolution No.: HB 1129

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 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.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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.*

Unable to determine 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.*

Name: Eileen Holwegner
Phone Number: 328-1666

Agency: OMB
Date Prepared: 01/03/2005

Date: 11/20/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1129

House House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

DO PASS

Motion Made By

Rep. Klemin

Seconded By

Rep. Sitte

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	AB	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	✓	
Rep. Randy Boehning		✓	Rep. Louise Potter	AB	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	✓				
Rep. Lawrence R. Klemin	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte	✓				

Total (Yes)

11

No

1

Absent

2

Floor Assignment

Rep. KASPER

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

REPORT OF STANDING COMMITTEE (410)
January 20, 2005 5:08 p.m.

Module No: HR-13-0810
Carrier: Kasper
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1129: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1129
was placed on the Eleventh order on the calendar.

2005 SENATE POLITICAL SUBDIVISIONS

HB 1129

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1129

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 25, 2005

Tape Number
1

Side A
X

Side B

Meter #
0 - 659

Committee Clerk Signature



Minutes:

Chairman Cook called the Senate Political Subdivisions Committee to order. All members (6) present.

Chairman Cook opened the hearing on HB 1129 relating to the allowance for state officers and employees for meals outside the continental United States.

Laura Glatt, Vice Chancellor for Administrative Affairs with the NDUS testified in support of HB 1129. (See attachment # 1)

Senator Dever: Not clear on the two sections.

Laura Glatt: At the federal level there are two different groups charged with setting rates; one is the US Perdiem Committee referenced in Section 4 and the other is the US Department of State referenced in Section 5. Both of these need to be referenced in the legislation. The first section deals with Non-continental US rates and the second section deals with meal allowances outside the US. We need both references to both entities because they set different rates.

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Senate Political Subdivisions Committee

Bill/Resolution Number HB 1129

Hearing Date February 25, 2005

Senator Triplett: How often are these rates changed?

Laura Glatt: I am not sure if they are changed every year but they do look at the economic conditions and changes in the foreign countries and change rates based upon what is happening with the cost of living standard in those foreign countries. They do up date it periodically.

There are web site references for both of these.

Senator Dever: Are these rates consistent with the IRS rates?

Laura Glatt: I couldn't answer if they are consistent with the IRS. They would be consistent with what the Federal Government pays their employees.

No further testimony for or against HB 1129.

Chairman Cook closed the hearing on HB 1129.

Chairman Cook asked the committee if they wanted to take action.

Senator Triplett moved a Do Pass on HB 1129

Senator Gary Lee seconded the motion

Roll call vote: Yes 6 No 0 Absent 0

Carrier: **Senator Gary Lee**

Date: 2-25-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1129

Senate Political Subdivisions

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By Senate Triplett

Seconded By Senator Gary Lee

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes

6

No

0

Absent

Floor Assignment

Senator Gary Lee

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

REPORT OF STANDING COMMITTEE (410)
February 25, 2005 1:15 p.m.

Module No: SR-35-3710
Carrier: G. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1129: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1129 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1129

**North Dakota University System
HB1129 Testimony before House
Government and Veterans Affairs on
January 7, 2005**

*Same
Presented
to Senate
Political
Subdivisions*

Good morning, I am Laura Glatt, Vice Chancellor for Administrative Affairs with the NDUS. I am here today in support of HB1129, which was introduced at the request of the State Board of Higher Education.

The proposed changes will provide a meal allowance outside the United States at the appropriate rate for each location consistent with the rates provided for federal employees, which are established by the United States Per Diem Committee. This is consistent with meal allowance provisions currently in place for meal reimbursement within the continental United States, which was adopted by the Legislative Assembly in 1995.

Currently, state employees traveling in Canada, Alaska, and Hawaii are provided a meal allowance not to exceed one and one-half times the current continental US standard rate for federal employees. The current maximum rate for each of these areas is currently \$46.50.

The current allowance for meals outside the non-continental US may not exceed two times the current continental US standard rate for federal employees. All international travel, except Canada, is currently reimbursed at \$62.00.

The proposed change would instead require per diem meal allowance to be at the established rate for federal employees based on area of travel. The new rate for selected locations would be as follows:

Canada	\$ 99.00 standard (range \$59 - \$120)
Winnipeg	\$80.00
Edmonton	\$67.00
Alaska	\$ 55.00 standard (range \$47 - \$89)
Juneau	\$84.00
Fairbanks	\$88.00 summer rate
Hawaii	\$ 61.00 standard (range \$61 - \$148)
Honolulu	\$91.00
Brazil	\$ 56.00 standard (range \$41 - \$82)
China	\$ 63.00 standard (range \$52 - \$118)
Germany	\$ 72.00 standard (range \$72 - \$135)
France	\$ 81.00 standard (range \$63 - \$140)
India	\$ 65.00 standard (range \$ 61 - \$97)
New Dehli	\$61 (summer rate)
England	\$109.00 standard (range \$109- \$137)
Russia	\$ 88.00 standard (range \$88 - \$109)

This change would impact a limited number of NDUS employees, but it does represent an important equity and fairness issue to these employees. For example, at NDSU approximately 50 -100 employees per year would be impacted. Thus, the overall fiscal impact would be minimal. Most of the employees impacted are engaged in research or other projects funded by federal funds. The new proposed rates more closely align the actual costs incurred by employees while in travel outside the US.

Thank you for your favorable consideration. I would be happy to answer any questions you may have.

Contact information: 328-4116 or laura.glatt@ndus.nodak.edu

NORTH DAKOTA

UNIVERSITY SYSTEM

The Vital Link to a Brighter Future

January 14, 2005

Representative C. B. Haas, Chair
House Government and Veteran's Affairs Committee

Representative Haas and Members of the Committee:

First, let me apologize for the lateness of my response. Much of the follow-up information you requested needed to come from the campus level. Campus personnel are currently a bit overwhelmed with the implementation of the new administrative software system, ConnectND, along with their regular day-to-day tasks. I hope this delay has not significantly impacted the work of your committee.

During the Committee hearing on HB1129, which changes the provisions for foreign travel meal allowance, you and your committee members asked some very good questions, which I was not able to immediately respond to. I will outline those questions along with our response:

- 1.) Are faculty members, who are involved in hosting student tour groups subject to these same provisions for meal allowance? Yes, they would be reimbursed according to the provisions of this state statute, like any other employee.
- 2.) Are the US Per Diem Committee rates referenced in Section 4 of the bill and the rates established by the US Department of State referenced in Section 5 the same? No, they are two different rate schedules and entities and should remain in the bill as originally proposed. It is our understanding that the US Per Diem Committee is the oversight committee charged with ensuring uniform regulations between domestic and foreign travel for federal employees. The purpose of the Committee is to "ensure that uniform travel and transportation regulations are issued pursuant to Title 37, United States Code, other applicable laws, and decisions of the Comptroller General of the United States, for members of the seven Uniformed Services. In connection with civilian employees of the Department of Defense, the primary purpose of the Committee is to issue uniform regulations implementing the Federal Travel Regulations (FTR), Statutory requirements, Executive orders, and decisions of the Comptroller General of the United States." More information can be found at: <https://secureapp2.hqda.pentagon.mil/perdiem/>
- 3.) Are rates adjusted to reflect changes in the value of the dollar by location? 37 USC Sec.411, TITLE 37, PAY AND ALLOWANCES OF THE UNIFORMED SERVICES directs that the Per Diem Committee "consider the current economic data on the cost of subsistence."

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Phone: 701.328.2960 • Fax: 701.328.2961
E-mail: NDUS.office@ndus.nodak.edu • Web: www.ndus.nodak.edu

The North Dakota University System is governed by the State Board of Higher Education and includes:
Bismarck State College • Dickinson State University • Lake Region State College • Mayville State University •
Minot State University • Minot State University-Bottineau Campus • North Dakota State College of Science •
North Dakota State University • University of North Dakota • Valley City State University • Williston State College.

Representative C.B. Haas
Page Two
January 14, 2005

- 4.) Where can we see rate information for both sections 4 and 5? Rate information set by the Per Diem Committee can be referenced at:
<https://secureapp2.hqda.pentagon.mil/perdiem/rateinfo.html>

Rate information set by the US Department of State can be referenced at:
http://www.state.gov/error_404.html

- 5.) What is the fiscal impact to the NDUS of the proposed change? The proposed change would result in an additional annual cost of approximately \$30,000. Most of this paid from grant and contract funds.

If you have any further questions please do not hesitate to contact me at 328-4116 or at laura.glatt@ndus.nodak.edu. Thank you for your support.

Sincerely,



Laura Glatt

Vice Chancellor for Admin. Affairs

Scoring Grid

- 0 Insufficient compliance
- 1 Partial compliance
- 2 Satisfactory compliance
- NA Not applicable

Rationale for EC.1.20

It is essential that the hospital conduct periodic environmental tours to determine if its current processes for managing patient, public, and staff safety risks are being practiced correctly and are effective. These tours can also be used to assess staff knowledge and behaviors, identify new or altered risks in areas where construction or changes in services have occurred, and identify opportunities to improve the environment.

Elements of Performance for EC.1.20

1. The hospital conducts environmental tours to identify environmental deficiencies, hazards, and unsafe practices.
2. The hospital conducts environmental tours at least every six months in all areas where individuals are served.
3. The hospital conducts environmental tours at least annually in areas where individuals are not served.

Standard EC.1.30

The hospital develops and implements a policy to prohibit smoking except in specified circumstances.

Rationale for EC.1.30

This standard is intended to reduce the following risks:

- To people who smoke, including possible adverse effects on care, treatment, and services
- Of passive smoking for others
- Of fire

The standard prohibits smoking in all areas of all building(s) under the hospital's control, except for patients in circumstances specified in the EPs below

Elements of Performance for EC.1.30

1. The hospital develops a policy regarding smoking in all areas of all building(s) under the hospital's control.
2. The hospital's policy prohibits smoking in all areas of all building(s) under the hospital's control (no medical exceptions allowed) for the following:
 - All hospital-based outpatients
 - All children or youth patients
3. The hospital's policy may permit patients to smoke in the hospital's buildings under the following circumstance(s):
 - A patient is residing in long term care settings (that is, longer than 30 days' length of stay); or
 - A patient is granted permission that has been authorized by a licensed independent practitioner, based on criteria developed by the medical staff
4. When patients are permitted to smoke in the hospital's buildings, they smoke only under the following circumstance(s):
 - In designated locations environmentally separate from care, treatment, and service areas*
 - After the hospital has taken measures to minimize fire risks
5. Patients who do smoke in the hospital's buildings are provided education, including information about options for smoking cessation.

* Note: This does not require that a designated smoking area be a specific distance from care, treatment, and service areas. A physically separate, well-ventilated room (a designated area for authorized smoking by patients that is exhausted to the outside) is acceptable.

6. The hospital identifies and implements a process(es) for monitoring compliance with the policy.
7. The hospital develops strategies to eliminate the incidence of policy violations when identified.
8. Smoking is not permitted in the laboratory and areas under the control of the laboratory.

0 1 2 NA

0 1 2 NA

A | 0 | 1 | 2 | NA

Standard EC.2.10

The hospital identifies and manages its security risks.

☐ Compliant

☐ Not Compliant

Rationale for EC.2.10

It is essential that a hospital manages the physical and personal security of patients, staff (including addressing the risks of violence in the workplace), and individuals coming to the hospital's facilities. In addition, security of the established environment, equipment, supplies, and information is also important.

Elements of Performance for EC.2.10

1. The hospital develops and maintains a written management plan describing the processes it implements to effectively manage the security of patients, staff, and other people coming to the hospital's facilities.
2. The hospital identifies a person(s), as designated by leadership, to coordinate the development, implementation, and monitoring of the security management activities.
3. The hospital conducts proactive risk assessments that evaluate the potential adverse impact of the external environment and the services provided on the security of patients, staff, and other people coming to the hospital's facilities.*
4. The hospital uses the risks identified to select and implement procedures and controls to achieve the lowest potential for adverse impact on security.
5. The hospital identifies, as appropriate, patients, staff, and other people entering the hospital's facilities.
6. The hospital controls access to and egress from security-sensitive areas, as determined by the hospital.
7. The hospital identifies and implements security procedures that address actions taken in the event of a security incident.
8. The hospital identifies and implements security procedures that address handling of an infant or pediatric abduction, as applicable.
9. The hospital identifies and implements security procedures that address handling of situations involving VIPs or the media.
10. The hospital identifies and implements security procedures that address vehicular access to emergency care areas.

B | 0 | 1 | 2 | NA

A | 0 | 1 | 2 | NA

B | 0 | 1 | 2 | NA

C | 0 | 1 | 2 | NA

0 1 2 NA

C | 0 | 1 | 2 | NA

0 1 2 NA

0 1 2 NA

0 1 2 NA

0 1 2 NA

* The potential for workplace violence is considered during the risk assessment.