

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1482

2005 HOUSE POLITICAL SUBDIVISIONS

HB 1482

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1482

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 28, 2005

Tape Number	Side A	Side B	Meter #
1		x	2.4 to 6.2
Committee Clerk Signature <i>Laurence L. Zink</i>			

Minutes: **Rep. Devlin, Chairman** opened the hearing on HB 1482, A Bill for an Act to create and enact a new section to chapter 40-13 of the North Dakota Century Code, relating to nepotism by city officials.

Rep. Kaldor representing District 20 and sponsor of the bill spoke in favor of the bill which had introduced for a constituent. My constituent is from a small town but works and can not be here. The bill is written to provide the same requirements that are placed on counties. In this case in a small as is often the case where the city official hires his wife or family. Many time it is necessary but it is better if the official goes through the sets of making the notice and actions documented for the public. This is about public notice.

Rep. Koppelman (2.4) You mentioned the counties are required to do this now, is that in the Century Code.

Rep. Kaldor : Yes it is. State government does, cities do but not sure about other political

subdivisions like townships.

Jerry Hjelmstad : Representing the League of Cities prefers to take a neutral stance as most all of the larger cities do come under the nepotism laws. There are various forms of implementation as there are Mayor/Council; Mayor Commission ; and Home Rule Charter cities. The language of "by resolution" is not needed in line 9.

There being no further testimony for nor against the bill **Rep.Devlin, Chairman** closed the hearing on HB 1482. End (4.8).

In Committee work **Rep. Koppelman** moved an amendment that "on line delete ' resolution of ' ".

Rep. N. Johnson seconded the motion. Motion carried unanimously on a voice vote.

Rep. Koppelman moved a 'Do Pass as Amended' motion for HB 1482. **Rep. N. Johnson** seconded the motion. On a roll call vote the motion carried 11 ayes 0 nays 1 absent.

Rep. Kaldor was designated to carry HB 1482 on the floor. End (6.2).

January 27, 2005

VR
2/3/05

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1482

Page 1, line 9, remove "resolution of"

Renumber accordingly

Date: January 28, 2005
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1482

House POLITICAL SUBDIVISIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Rep moved amend. Rep Johnson seconded
Consensus - Voice Vote

Action Taken

Motion Made By

Rep. Koppelman

Seconded By

Rep. Johnson

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	A	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				
Rep. Wrangham	✓				

Total (Yes) 11 No 0

Absent 1

Floor Assignment Rep. Kaldor

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

REPORT OF STANDING COMMITTEE (410)
February 4, 2005 7:35 a.m.

Module No: HR-23-1793
Carrier: Kaldor
Insert LC: 50679.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1482: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1482 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "resolution of"

Renumber accordingly

2005 SENATE POLITICAL SUBDIVISIONS

HB 1482

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1482

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 3, 2005

Tape Number	Side A	Side B	Meter #
1	X		2094 - 3424
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook opened the hearing on HB1482 relating to nepotism by city officials. Five members were present and one absent.

Representative Lee Kaldor, District 20, introduced HB 1482. (See attachment #1)

Senator Triplett: How did the cities get left out of this in the past?

Rep. Kaldor: I don't really no. A commission member contacted me and said, "did you know that we don't have a law regarding nepotism"? He said counties and the state have one but not the cities, so I went to legislative council to investigate and this language is not in the books for the cities. The cities are very careful about this. The league of cities said they attempt to root this problem out already but had no objections to having this language being added to the law.

Senator Gary Lee: Is this going to be a problem for the larger cities, where they have an operations manager and do a lot of hiring and working with employees?

Rep Kaldor: That may be a possibility. I am not aware of the frequency of city commission meetings in larger cities. Where we find this to be a greater problem is in small communities where you can not help but hire the relatives.

Glenn Elliott, private citizen and resident of Mandan testified in favor of HB 1482. (See attachment #2)

Connie Sprynczynatyk, North Dakota League of Cities, testified neither for nor against HB 1482. The league membership would tell you this is not a problem if you choose to pass this bill. The reason the legislature has not dealt with this issue in the past is because in many small towns it is really hard to find people to fill positions whether they are hired or elected positions.

Senator Gary Lee: Would there be any unintended consequences for putting this into place?

Connie Sprynczynatyk: As I recall the language of the bill, it says that before a department head appoints a relative it requires a governing board action. In cities with a population of 5000 or above you can adopt civil services system under state law which would take care of this.

No further testimony for or against the bill.

Chairman Cook closed the hearing on HB1482.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1482

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1		X	2951 - 3689
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook opened the discussion on HB 1482 about nepotism by city officials. We heard this last week. The Engrossed bill is the same as the original bill.

Senator Triplett moved a Do Pass.

Senator Hacker seconded the motion.

Discussion:

Roll call vote: Yes 6 No 0 Absent 0

Carrier: **Senator Fairfield**

Date: 3-10-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1482

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Triplett Seconded By Senator Hacker

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 1

Floor Assignment Senator Fairfield

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

REPORT OF STANDING COMMITTEE (410)
March 10, 2005 1:53 p.m.

Module No: SR-44-4671
Carrier: Fairfield
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1482, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1482 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1482

Testimony for HB1482

Senate Political Subdivisions Committee

Senator D. Cook, Chairman

March 3, 2005

Representative Lee Kaldor

Mr. Chairman and members of the Political Subdivisions Committee, for the record I am Representative Lee Kaldor District 20. I am here today to ask for your favorable consideration of HB1482. As amended in the House, this bill does a very simple thing. It places in code the same language regarding nepotism as is in code for Counties. We in state government are subject to similar laws intended to protect the integrity of government operations and decision making.

This bill is brought to you at the request of a constituent who serves on the Hillsboro City Commission. I have attached his statement as provided to the House. While cities are very careful regarding issues of nepotism, and they have their own internal mechanisms to ensure that such activities do not hinder the open and honest delivery of city government services, Mr. Nelson believes that this code revision would help to give cities statutory authority to ensure that questions of impropriety are reduced or eliminated.

The content of the bill simply states that in the event a the head of an executive or administrative department of a city may not appoint that individual's spouse, son, daughter, brother or sister to any position under the control or direction of that individual, unless the appointment has previously been approved by the governing body of the city.

The Council or Commission would be required to approve at a public meeting the hiring of such an individual so that everyone knows that the governing body understands the close relationship and approves it. This should eliminate the unfair accusations that sometimes rise in a community and makes it clear that everyone was informed and consented to the hire.

Mr. Chairman and members of the Committee, I ask for your favorable consideration and stand for any questions that you might have.

Respectfully,
Lee Kaldor
District 20

Due to my schedule of working days at the beet plant I won't be able to attend. I will give you a personal testimony of why I asked for this legislation.

Being from a small town the moves and decisions of persons in public office are scrutinized continuously. This is good, but bringing up items like not having relatives working for local governments can cause several conflicts. I have been asked about this in our local government more than once and have had nothing in law to bring up in our meetings that would relieve constituent concerns. Having HB 1482 implemented would allow local governments to enforce this without people saying you are playing favorites.

Your consideration on this matter is greatly appreciated.

Jeff Nelson
Hillsboro City Commissioner

Testimony in Favor of House Bill 1482

by Glenn A. Elliott, a private citizen and resident of Mandan, North Dakota, appearing on his own behalf on Thursday, 3 March 2005

Before the Political Subdivisions Committee of the North Dakota Senate

To the Chair and Senators of the Committee:

I am offering this testimony in favor of House Bill 1482.

Cases in which appointment of relatives to government positions has fostered abuse of power are replete in history. In Iraq, the power structure of Saddam Hussein's government was built on his immediate family as well as his "extended" family of the Tikriti clan. In Equatorial Guinea, a major network television news magazine show outlined the incestuous appointments of that nation's strongman "president." It should be obvious that nepotism should be a subject of considerable scrutiny in government.

It is not a given that a relative of someone in power is not capable of adequately discharging the duties of a government position. However, for the reasons cited above, the public perception of that capability, and that of the government in total, is frequently negative.

Ethics may be as much the avoidance of the appearance of impropriety as it is the avoidance of impropriety itself. It is incumbent upon government officials to show that appointment to government office is based upon qualification, not merely connection. House Bill 1482 aids in this by having independent prior approval of any official's appointment of a relative to a position in that official's "chain of authority." It is simple common sense.

I ask that the Committee recommend "do pass" on House Bill 1482.