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ROLL NUMBER

DESCRIPTION

2318

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2318

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2318

Senate Government and Veterans Affairs

☐ Conference Committee

1-28-05
Hearing Date , 2005

Tape Number	Side A	Side B	Meter #
1	x		5,622-5877
		Broken Tape side B	
2			0-271
Committee Clerk Signature <i>Deane Davis</i>			

Chairman Krebsbach opens hearing on SB2318

Relating to registration as a lobbyist.

(meter #5622)

Minutes combined with SB2317.

Senator Warner - See written testimony

Senator Nelson - Was curious to know if the lobbyists have to wear a photo ID at their regular jobs.

Dan Ulmer - Lobbyist for Blue Cross Blue Shield - Showed the committee his photo ID card that gets him into his work place.

(meter #5877) end of tape

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number **SB 2318**

Hearing Date January 28 2005

Rod St. Auburn - Stated once more that people come to testify on one bill. For regulars its not a big deal.

Senator Warner - Just wanted to mention on this bill there is no mention of a photo ID, just a photo for the web site.

Closed hearing on 2318

(meter #271)

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2318

Senate Government and Veterans Affairs

☐ Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		3561-3940
Committee Clerk Signature <i>Diane Davis</i>			

Chairman Krebsbach opens committee work on 2318

(meter #3561, tape 2, side A)

Senator Nelson moved for a do not pass

Senator Brown seconded

Discussion

Senator Syverson - Asked if it would be necessary for the state to provide the images since most lobbyist have access to digital cameras.

Senator Krebsbach - Said not a lot of people off the street do not have access.

Senator Syverson - Thought they decided it was not applicable to the person coming in for one day.

Senator Krebsbach - Said how would we differentiate.

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Senate Government and Veterans Affairs

Bill/Resolution Number **SB 2318**

Hearing Date February 10, 2005

Senator Krebsbach - Said the lobbyists themselves have discussed putting their own book together.

Roll called for do not pass

Senator Lee will carry

(meter #3940)

FISCAL NOTE
Requested by Legislative Council
01/19/2005

Bill/Resolution No.: SB 2318

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	\$26,000	\$0	\$3,000	\$0
Appropriations	\$0	\$0	\$26,000	\$0	\$3,000	

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
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

The bill indicates that the agency may include the photographs on any list of registrants compiled or published by the Secretary of State. At present, other than the listing of registrants on the agency's website, the agency does not publish any other listing. The agency charges a fee for any list that is generated from its database.

To include photographs of registrants on the agency's website would cost an estimated \$10,000 to develop the application, \$10,000 to purchase a scanner, and \$6,000 for a color printer that would print the photographs with any listing that was requested and purchased. The agency already has a digital camera.

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.*

None anticipated.

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.*

See narrative.

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.*

The agency does not have funding in its proposed 2005/2007 appropriation to cover the cost of implementation.

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/25/2005

Date: 2/10/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2318

Senate **Government and Veterans Affairs** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not Pass

Motion Made By Senator Nelson Seconded By Senator Brown

Senators	Yes	No	Senators	Yes	No
Karen K. Krebsbach, Chairman	X		Carolyn Nelson	X	
Richard L. Brown, Vice Chairman	X				
Judy Lee	X				
John O. Syverson	X				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Senator Lee

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

REPORT OF STANDING COMMITTEE (410)
February 10, 2005 4:17 p.m.

Module No: SR-27-2486
Carrier: J. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2318: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2318 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

SB 2318

Senate Bill 2317 & 2318
Testimony of
Senator John Warner
28 January 2005

Chairman, Members of the Committee,

Both of the bills that I bring before you today, SB 2317 and its companion 2318 are modest attempts to bring transparency to the lobbying process. All of us in this room know the importance of lobbyists to the political process, we have developed personal friendships with lobbyists and we rely on them for ideas and information. These two bills plus others that you will hear this morning are intended to make the process more understandable to the public and more useful to legislators.

SB 2317 would ask the Legislative Council to create a citizen's service center, either a stand alone kiosk or another space near the bill room where ordinary citizens AND lobbyists can assemble testimony, receive e-mail, send a fax, make a phone call, and photocopy testimony. The bill calls for an assessment required from lobbyists to pay for the initial cost of the center or any furniture that may be required. As this project has advanced it has been questioned whether an assessment would even be required as most of these would be fee for service. I leave it to the discession of the committee whether the fee should be removed.

SB 2318 very simply would add a photo requirement to the registration process and allow that the Secretary of State could publish those photographs as part of his website should the technology support that addition.

I would like to quote from today's Fargo Forum editorial "More transparency among lobbyists conforms nicely with North Dakota's tradition of open government. After all, lobbyists don't descend on Bismarck every other year because they like the weather. They are stalking the halls of the Capitol and treating legislators to nightly buffets and other goodies because they have specific agendas that might or might not be in the best interests of the people of the state. It's not too much to require ask lobbyists to be as visible as possible. It's not too much to require they report frequently how much they spend and how they spend it."

In closing, I would like to quote again from today's Forum editorial. The proposed changes in the state's lobbying reporting requirements come in the context of a national ranking which gave north Dakota failing grade in lobbyist disclosure. The Center for Public Integrity, a Washington, D. D. organization that reports on lobbying influence, ranked North Dakota 44th of 48 States. The state can do better, given its long-standing commitment to open government. (these bills are) a modest first step.

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Forum editorial: Lobbyist measures make sense

The Forum

Published Friday, January 28, 2005

There are nearly four times as many lobbyists as there are legislators at the North Dakota Capitol during a legislative session. Bills to better identify them and what they do are good ideas.

Sen. April Fairfield, D-Eldridge, and Sen. John Warner, D-Ryder, have introduced measures which would require lobbyists to submit photos for a directory and report occasions when they spend more than \$25. Lobbyists already must register with the Secretary of State, wear a name badge and report lobbying expenditures of more than \$50.

Furthermore, Fairfield's bill would require lobbyists to file disclosure reports every three months instead of once a year.

None of those requirements is unreasonable, although quarterly reporting might be an unnecessary burden on lobbyists and the Secretary of State's office.

But more transparency among lobbyists conforms nicely with North Dakota's tradition of open government. After all, lobbyists don't descend on Bismarck every other year because they like the weather. They are stalking the halls of the Capitol and treating legislators to nightly buffets and other goodies because they have specific agendas that might or might not be in the best interests of the people of the state. It's not too much to ask lobbyists to be as visible as possible. It's not too much to require they report frequently how much they spend and how they spend it.

Of the more than 600 lobbyists who register for the session, many are advocates for in-state public interest groups or small businesses. Others, however, are highly paid representatives of corporations and organizations that are bigger than state government. Agri-business, energy companies and their allies, the railroads and the insurance industry are among those special interests with enormous clout at the Legislature because of skilled lobbyists and huge lobbying budgets.

(In the way of full disclosure, the North Dakota Newspaper Association -

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The Forum is a member - employs veteran lobbyist, Bismarck attorney Jack McDonald, who is a highly visible and effective spokesman for the state's daily and weekly newspapers.)

The proposed changes in the state's lobbying reporting requirements come in the context of a national ranking which gave North Dakota a failing grade in lobbyist disclosure. The Center for Public Integrity, a Washington, D.C., organization that reports on lobbying influence, ranked North Dakota 44th of 48 states.

The state can do better, given its long-standing commitment to open government. The legislation introduced by Sen. Fairfield and Sen. Warner is a modest first step.

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ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sec



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January 28, 2005

TO: Senator Krebsbach, Chairman,
and Members of the Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2318 – Lobbyist Photographs

According to this bill, the Secretary of State may include the photographs obtained from lobbyists on any list of registrants compiled or published by the agency.

At present, other than the listing of registrants on the Secretary of State's website, the agency does not compile any other listing of lobbyists unless it is requested to do so. And, if it does, a fee is charged for the list generated from the agency's database.

To include photographs of registrants on the agency's website would cost an estimated \$10,000 to develop the application, \$10,000 to purchase a scanner, and \$6,000 for a color printer that would print the photographs with any listing that was requested and purchased. The agency already has a digital camera. The agency's budget request for 2005/2007 does not include funding to cover these expenses.

Therefore, since the bill allows a choice and because of the expense, I would choose not to include the lobbyist photographs on any list compiled or published by the agency. Since I would not use them, then the need for the photographs does not exist.

If the bill is changed so that publishing the photographs would become a mandate, the Secretary of State's office would need an offsetting appropriation in its budget.

2 3
2 3 8

STATE LAW PERTAINING TO LEGISLATIVE LOBBYING

Effective as of July 1, 2001
Office of the Secretary of State
State of North Dakota

The following laws are from the North Dakota Century Code (NDCC) and pertain to Legislative Lobbying. Although every attempt has been made for accuracy, the reprint of these laws does not carry the same authority or weight as the actual NDCC and should not be equated with the NDCC as an equal authority. This copy is only intended as a helpful resource and reference. For official and legal purposes, the official NDCC should be used.

54-05.1-01. LEGISLATIVE INTENT. It is hereby declared to be the intent of the legislative assembly to require that lobbyists register as such before engaging in lobbying activity and to require certain reporting procedures by lobbyist.

54-05.1-02. APPLICABILITY - MEANING OF LOBBYIST.

1. This chapter applies to any person who, in any manner whatsoever, directly or indirectly, performs any of the following activities:
 - a. Attempts to secure the passage, amendment, or defeat of any legislation by the legislative assembly or the approval or veto of any legislation by the governor of the state.
 - b. Attempts to influence decisions made by the legislative council or by an interim committee of the legislative council.
2. This chapter does not apply to any person who is:
 - a. A legislator.
 - b. A private citizen appearing on the citizen's own behalf.
 - c. An employee, officer, board member, volunteer, or agent of the state or its political subdivisions whether elected or appointed and whether or not compensated, who is acting in the person's official capacity.
 - d. Invited by the chairman of the legislative council, an interim committee of the legislative council, or a standing committee of the legislative assembly to appear before the council, interim committee, or standing committee for the purpose of providing information.
 - e. An individual who appears before a legislative committee for the sole purpose of presenting testimony on behalf of a trade or professional organization or a business or industry if the individual is introduced to the committee by the registered lobbyist for the trade or professional organization or the business or industry.
3. For the purposes of this chapter, persons required to register under this chapter because of the performance of the activities described in subsection 1 must be known as "lobbyists".

54-05.1-03. REGISTRATION AS A LOBBYIST - FEE - FILING OF INFORMATION - PUBLIC INSPECTION - CERTIFICATION OF REGISTRATION.

1. Any person who shall engage himself or be engaged by any other person either on a part-time or on a full-time basis for any of the activities listed in section 54-05.1-02, shall, before doing anything in furtherance of such purposes, register with the secretary of state and receive a certificate of registration and a distinctive lobbyist identification badge that must be prominently worn by the lobbyist when engaged in any of the activities listed in section 54-05.1-02 while on the capitol grounds. In lieu of wearing the official badge provided by the secretary of state, a lobbyist may wear a reasonable reproduction of the official badge that contains the name of the lobbyist and any of the following: the word lobbyist, the registration number of the lobbyist, or the organization name of the lobbyist in characters no smaller than one-quarter inch (6.35 millimeters). The registrant shall state in writing the registrant's full name and business address, the name and address of the person or persons upon whose behalf the registrant appears, all persons, corporations, limited liability companies, associations, groups, or organizations in whose interest the registrant appears or works, the duration of such employment or appearances, and by whom the registrant is paid or is to be paid. The registration period commences on July first and expires on June thirtieth of the following calendar year unless an earlier expiration date is requested by the registrant. Lobbyist required to be registered shall file with the secretary of state, prior to the issuance of a certificate of registration, a written authorization to act as lobbyist. Such authorization must be signed by the person or official of the corporation, limited liability company, association, group, or organization employing such lobbyist and may be filed by facsimile transmission. The secretary of state shall charge a fee of twenty dollars for registering each lobbyist and the first person or entity represented by the lobbyist and an additional fee of five dollars for each subsequent person or entity represented by the lobbyist.
2. Each person registering to act as a lobbyist shall file, on or before August first following the expiration of the registration period, with the secretary of state a detailed report. The report must include a statement as to each expenditure, if any, of fifty dollars or more expended on any single occasion during the legislative session or the interim, as the case may be, on any individual in carrying out the lobbyist's work or include a statement that no reportable expenditures were made during the reporting period. A state official or agency may not require reporting of lobbyist expenditures other than is required under this subsection. The secretary of state shall provide a prescribed form for reporting pursuant to this chapter. The secretary of state shall charge and collect fees for late filing of the detailed expenditure report as follows:
 - a. Within sixty days after the date provided in this subsection for filing the detailed expenditure report, twenty-five dollars;
 - b. Thereafter, fifty dollars; and
 - c. If any currently registered lobbyist fails to file a detailed expenditure report and pay any late fee by October first, the lobbyist's registration is automatically revoked. The lobbyist's registration may be reinstated if the lobbyist thereafter files the detailed expenditure report and pays any outstanding late fee.

3. All information required to be filed under the provisions of this section with the secretary of state and that previously filed, must be compiled by the secretary of state within forty five days after the close of the period for which such information is filed, and such files must be open and accessible for public inspection during the normal working hours.

54-05.1-04. GRANTING AND REVOKING OR CERTIFICATES - REFERRALS AND REPORTS TO THE ATTORNEY GENERAL.

1. It is the duty and responsibility of the secretary of state:
 - a. To grant a certificate of registration and to design and furnish a distinctive lobbyist identification badge to any person registering under section 54-05.1-03 who supplies the information therein required.
 - b. To revoke the certificate of registration of any person who has been convicted of violating any of the provisions of this chapter.
 - c. To refer on the secretary of state's own motion or on the verified complaint of any member of the legislative assembly or on the verified complaint of any state official, board, commission, department, or agency, or on the verified complaint of any other person, to the attorney general for investigation, the activities of any person who the secretary of state has reason to believe has been acting as a lobbyist and who may be in violation of the requirements of this chapter.
 - d. To make available upon request of any citizen expenditures by categories reported by registered lobbyists to have been expended on each individual in carrying out that person's work.
 - e. To supply a current list of registered lobbyists for each legislator upon request.
2. In addition, the secretary of state may revoke the certificate of registration issued pursuant to this chapter for failure to file the reports required by this chapter when due, but no certificate may be revoked if, prior to the last day for filing such reports, the secretary of state has been informed in writing of extenuating circumstances justifying such failure.

54-05.1-05. INVITATIONS AND GIFTS TO LEGISLATORS.

1. When any lobbyist invites a legislator to attend a function sponsored in whole or in part by the lobbyist or the principal, the lobbyist shall, upon the request of the legislator, supply the legislator with the true or estimated cost of the gratuity and allow the legislator to attend the function and pay his own share of the expenses.
2. When any lobbyist offers a gift of a non-information bearing nature to a legislator, the lobbyist shall, upon the request of the legislator, supply the legislator with the true or estimated cost of the gratuity and allow the legislator to pay the cost of and receive the gift.

54-05.1-06. UNLAWFUL MEANS TO INFLUENCE LEGISLATIVE ASSEMBLY. In addition to the violation of any other provision of this chapter, it is unlawful for any lobbyist or for any other person:

1. To directly or indirectly give or agree to give any money, property, or valuable thing, or any security therefore, to any person for his service or the service of any other person in procuring the passage or defeat of any measure before the legislative assembly or either house thereof, or before any committee thereof, upon the contingency or condition that any measure will be passed or defeated.
2. To directly or indirectly receive or agree to receive any such money, property, thing of value, or security for such service, upon any such contingency or condition, as set forth in the preceding subsection.
3. To attempt to influence any member of the legislative assembly without first making know to such member the real and true interest he has in such measure, either personally or as agent or attorney.

54-05.1-07. PENALTY. Any person who violates any provisions of this chapter is guilty of a class B misdemeanor except that a violation of section 54-05.1-02 or 54-05.1-03 is an infraction.

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January 28, 2005

State PagesSelected state: **North Dakota** Select a State 

This state's score is broken down below according to the eight sections of the survey by each of the 48 questions. Scores of 60 points and higher are considered "passing."

Please note that some questions in the survey below are answered with a range of possibilities. For an exact answer, refer to the North Dakota Secretary of State, Administration & Licensing Division Web site:

<http://www.state.nd.us/sec/lobbyistmnu.htm>.

State Rank: 44**State Score: 46****State Lobby Disclosure Report Card:**

Section	Section Score	Maximum Section Score
Definition of Lobbyist	4	7
Individual Registration	14	19
Individual Spending Disclosure	11	29
Employer Spending Disclosure	0	5
Electronic Filing	0	3
Public Access	9	20
Enforcement	8	15
Revolving Door Provision	0	2
Total	46	100

	Question	Answer	Point Value of Answer
Definition of Lobbyist			
1	In addition to legislative lobbyists, does the definition recognize executive branch lobbyists?	No	0
2	How much does an individual have to make/spend to qualify as a lobbyist or to prompt registration as a lobbyist, according to the definition?	Lobbyists qualify and must register no matter how much money made/spent	4
Individual Registration			
3	Is a lobbyist required to file a registration form?	Yes	3
4	How many days can lobbying take place before registration is required?	0 days	4

5	Is subject matter or bill number to be addressed by a lobbyist required on registration forms?	No bill number/subject matter required	0
6	How often is registration by a lobbyist required?	Once a year or more often	2
7	Within how many days must a lobbyist notify the oversight agency of changes in registration?	0 days	4
8	Is a lobbyist required to submit a photograph with registration?	No	0
9	Is a lobbyist required to identify by name each of employer on the registration form?	Yes	1
10	Is a lobbyist required to clearly identify on the registration form any additional information about the type of their lobbying work (ie, compensated or non-compensated/contract or salaried)?	No	0
Individual Spending Disclosure			
11	Is a lobbyist required to file a spending report?	Yes	3
12	How often during each two-year cycle is a lobbyist required to report spending?	0 to 3 filings within two years	0
13	Is compensation/salary required to be reported by a lobbyist on spending reports?	No	0
14	Are summaries (totals) of spending classified by category types (ie, gifts, entertainment, postage, etc.)?	No	0
15	What spending must be itemized?	Itemization threshold: Above \$25	2
16	Is the lobbyist employer/principal on whose behalf the itemized expenditure was made required to be identified?	Yes	1
17	Is the recipient of the itemized expenditure required to be identified?	Yes	1
18	Is the date of the itemized expenditure required to be reported?	Yes	1
19	Is a description of the itemized expenditure required to be reported?	Yes	1
20	Is subject matter or bill number to be addressed by a lobbyist required on spending reports?	No bill number/subject matter required	0
21	Is spending on household members of public officials by a lobbyist required to be reported?	No	0
22	Is a lobbyist required to disclose direct business associations with public officials, candidates or members of their households?	No	0
23	What is the statutory provision for a lobbyist giving/reporting gifts?	Gifts are reported	1
24	What is the statutory provision for a lobbyist giving/reporting campaign contributions?	Campaign contributions allowed and not required to be disclosed on	0

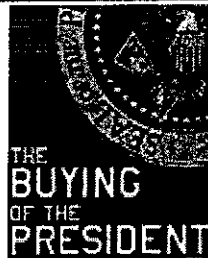
		spending report/allowed during session	
25	Is a lobbyist who has done no spending during a filing period required to make a report of no activity?	Yes	1
Employer Spending Disclosure			
26	Is an employer/principal of a lobbyist required to file a spending report?	No	0
27	Is compensation/salary required to be reported on employer/principal spending reports?	N/A	0
Electronic Filing			
28	Does the oversight agency provide lobbyists/employers with electronic/online registration?	No	0
29	Does the oversight agency provide lobbyists/employers with electronic/online spending reporting?	No	0
30	Does the oversight agency provide training about how to file registrations/spending reports electronically?	N/A	0
Public Access			
31	Location/format of registration or active lobbyist directory:	Searchable database on the Web	3
32	Location/format of spending reports:	Photocopies from office only	1
33	Cost of copies:	25 cents or more per page	0
34	Are sample registration forms/spending reports available the Web?	Yes	1
35	Does the state agency provide an overall lobbying spending total by year?	No	0
36	Does the state agency provide an overall lobbying spending total by spending report deadlines?	No	0
37	Does the state agency provide an overall lobbying spending total by industries lobbyists represent?	No	0
38	How often are lobby lists updated?	Daily	4
Enforcement			
39	Does the state have statutory auditing authority?	No	0
40	Does the state agency conduct mandatory reviews or audits?	No	0
41	Is there a statutory penalty for late filing of lobby registration form?	No	0
42	Is there a statutory penalty for late filing of lobby spending report?	Yes	1
43	When was a penalty for late filing of a lobby spending report last levied?	Within 0 to 1 year	3
44	Is there a statutory penalty for incomplete filing of a lobby registration form?	No	0

45	Is there a statutory penalty for incomplete filing of a lobby spending report?	Yes	1
46	When was a penalty for incomplete filing of a lobby spending report last levied?	Within 0 to 1 year/don't accept incomplete filings	3
47	Does the state publish a list of delinquent filers either on the Web or in a printed document?	No	0
Revolving Door Provision			
48	Is there a "cooling off" period required before legislators can register as lobbyists?	No	0

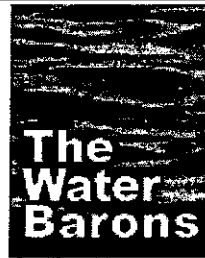
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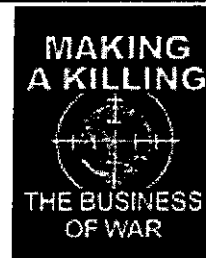
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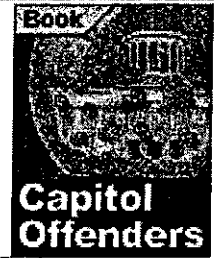
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