

2011 HOUSE POLITICAL SUBDIVISIONS

HB 1408

2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1408
February 11, 2011
Job # 14415

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to state indemnification.

Minutes:

Chairman Johnson: Opened the hearing on HB 1408.

Rep. Wrangham: I am introducing a bill I have to check against. This bill is no longer needed so I am asking you for a do not pass on it. It came from the water districts in ND. They are getting together and forming a mutual ad agreement called WARN, which stands for Water Agency Response Network. It will be a way the water districts can help each other out during times of emergency especially during the first few hours of emergencies that may come about. A number of water districts had signed the WARN agreement and some had not. Some who had not signed it had a problem thinking that it would be illegal for them to sign an agreement that had some of the words in it like indemnification. They wanted this bill be put in to allow them to indemnify each other. Other water districts or other water people thought that this bill might cause some unintended consequences that none of these parties wanted. A group of them met with several people here last week and came up with a compromise they think will work without using the word indemnify. They are going to change the word to immune and all parties that have been in contact with me on this issue have agreed that that is going to work fine and they do not want this bill to move forward.

Rep. Koppelman: Are you saying that despite the statutory language we are looking at in the law that is shown here that some of these folks can hold one another harmless to prosecution. I believe this section of law was actually created with a bill last session. The practice at the time was that the state was requiring local water entities to hold the state harmless for the state's own liability. We said that is not appropriate and passed this bill. You are saying they can undo it through contractual language or did I misunderstand.

Rep. Wrangham: That was Senate Bill 2256 last time. My understanding was that the language in 1408 would have been much different than that. It was limited to just in the emergency chapter so I don't think it would have undone that. It might have eroded that so that is why they went to the word immune. It was pointed out at our meeting that there is a huge difference between indemnifying and immune. Immune seems to work.

Opposition:

Greg Larson, SCRWD and also the ND Rural Water Systems Assoc: It was out our request that we began working on this bill because of WARN. WE have got it solved because of language coming out of the EMS bills so we are comfortable with that language and therefore we are asking this bill not be passed. It is not necessary.

Rep. Koppelman: Could you site those bills for us and explain how that accomplishes what the bill sought to accomplish?

Greg Larson: I can't site the bill. It is coming through EMS and it sought to do the same thing we are doing. The bill last session created some problems with how we can indemnify or protect one another in an emergency situation so they are writing that language.

Rep. Koppelman: Can you get me the bill number so we can research that?

Neutral: None

Hearing closed.

Do Not Pass Motion Made by Rep. Koppelman: Seconded by Rep. Shirley Meyer:

Vote 13 Yes 0 No 1 Absent Carrier: Rep.Devlin:

Greg Larson: Homeland Security is writing a template on how the bill will apply. There is a bill being written at the request of the Attorney General and it related to indemnifying federal employees and had nothing to do with what we were talking about.

Hearing closed.

Date: 1-10-8
Roll Call Vote #: 2-11

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider _____

Motion Made By Rep K Koppelman Seconded By Rep Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski	✓	
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle	✓		Rep. Mock		
Rep. Devlin	✓		Rep. Zaiser	✓	
Rep. Heilman	✓				
Rep. Klemin	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Devlin

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

REPORT OF STANDING COMMITTEE

HB 1408: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1408 was placed on the Eleventh order on the calendar.