

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2117

2001 SENATE JUDICIARY

SB 2117

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2117

Senate Judiciary Committee

Conference Committee

Hearing Date January 24th, 2001

Tape Number	Side A	Side B	Meter #
1		X	20.8-end
2	X		0.0-30.1
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2117: A BILL FOR AN AT TO CREATE AND ENACT A NEW SUBSECTION TO SECTION 43-17-32.1, A NEW SUBSECTION TO SECTION 44-04-18, A NEW SUBSECTION TO SECTION 44-04-18.7, AND SECTION 44-04-21.3 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO OPEN RECORDS AND OPEN MEETINGS; TO AMEND AND REENACT SUBSECTIONS 10, 12, AND 13 OF SECTION 44-04-17.1, SUBSECTIONS 5 AND 7 OF SECTION 44-04-19.2, SUBSECTIONS 1 AND 3 OF SECTION 44-04-21.2, AND SECTION 65-05-32 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO OPEN RECORDS AND OPEN MEETINGS; AND TO PROVIDE A PENALTY.

**Jim Fleming**, representing the Attorney General. Included in the amendments is a clarification of most significant change of the bill. Currently, the open meetings law applies to work groups and task forces created by state agency heads or directors of state institutions. These groups perform the same function and should be equally required to operate in the sunshine of open

Page 2

Senate Judiciary Committee

Bill/Resolution Number SB 2117

Hearing Date Jan 24, 2001

government. This bill would apply only to groups which have been created by the head of a state agency or institution and formally designated to meet as a group. Because of these formalities, the number of task forces and advisory groups which would be affected by the bill should be very small.

**Senator Traynor** where would this be put in the bill?

**Jim Fleming** on page 2 of the bill, beginning with line 3. This is how the language should be, it is clearer and more concise. It would not apply to staff meetings or informal gathers of operational talks. Only groups that have been created by an institution and formally designated as a group. This, we believe is very narrow in scope. Minutes are also required, but the content of those minutes should be the same or very similar to the notes or recordings which are already kept for those meetings. The office of the Attorney General believes the open meetings currently contains a loophole with regard to task forces and working groups, and asks for the committee's assistance to close the loophole and to apply the open meetings law equally to all governmental bodies. There is still a purpose to have a criminal penalty when a public servant gives misleading testimony and violates the law. Criminal violation for someone who knowingly violates the law. We are not trying to convict an innocent person but someone who knows the law and violates it. We also want personal information of an applicants to open to files.

**Senator Watne** was an infraction taken out of the law, then a civil process. What kind of penalty would that be?

**Jim Fleming** a class A misdemeanor.

**Senator Traynor** are political parties open to records law?

**Jim Fleming** no.

**John Olson**, representing the peace officers association (testimony attached). We should keep a patients information confidential. Real problem where board does a temporary removal of a Doctor's license. Testimony addresses this. A complaint is issued against the doctor. If he is harmful to the public, the Board entertains the information and then decides whether it should be public information. Asks for protection of patients.

**Senator Traynor** did something just recently happen in Fargo?

**John Olson** those questions have come up. Patients name was not revealed, information was released and this could identify who the patient was.

**Senator Traynor** how will the board handle this if the bill is enacted?

**John Olson** that information will be public except the patients information and will remain sealed. Information about the patient will be available to the board.

**Jack McDonald**, appearing on behalf of the North Dakota Newspaper Association. (testimony attached)

**Senator Traynor** Do you think the UND commission regarding the Sioux logo would change anything?

**Jack McDonald** no. UND choose to have it open to the public. Most of these task forces are open to the public anyway.

**Roger Bailey**, appearing on behalf of the Newspaper Association. (testimony attached)

**Senator Traynor** closed the hearing on SB 2117.

After the discussion **SENATOR WATNE MOVED TO ADOPT THE ATTORNEY GENERAL'S AMENDMENTS. SECONDED BY SENATOR LYSON. VOTE INDICATED 7 YEAS, 0 NAYS, AND 0 ABSENT AND NOT VOTING. A SECOND MOTION WAS MADE BY SENATOR TRENBEATH TO DO PASS AS AMENDED.**

Page 4

Senate Judiciary Committee

Bill/Resolution Number SB 2117

Hearing Date Jan 24, 2001

**SECONDED BY SENATOR WATNE. VOTE INDICATED 7 YEAS, 0 NAYS, AND 0**

**ABSENT AND NOT VOTING.**

**FISCAL NOTE**  
 Requested by Legislative Council  
 03/26/2001

Bill/Resolution No.:

Amendment to:           Engrossed  
                                   SB 2117

**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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 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.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 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.*

**NORTH DAKOTA WORKERS COMPENSATION  
 2001 LEGISLATION  
 SUMMARY OF ACTUARIAL INFORMATION**

**BILL DESCRIPTION:** Open Records

**BILL NO:** Engrossed SB 2117 w/ Amendments

**SUMMARY OF ACTUARIAL INFORMATION:** North Dakota Workers Compensation, together with its actuary, Glenn Evans of Pacific Actuarial Consultants, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

**FISCAL IMPACT:** The engrossed bill will have no significant impact on NDWC operations.

**DATE:** March 27, 2001

**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.*

<b>Name:</b>	Paul R. Kramer	<b>Agency:</b>	ND Workers Compensation
<b>Phone Number:</b>	328-3856	<b>Date Prepared:</b>	03/27/2001



**FISCAL NOTE**  
 Requested by Legislative Council  
 01/26/2001

Bill/Resolution No.:

Amendment to: SB 2117

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 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.*

**NORTH DAKOTA WORKERS COMPENSATION  
 2001 LEGISLATION  
 SUMMARY OF ACTUARIAL INFORMATION**

**BILL DESCRIPTION:** Open Records

**BILL NO:** Engrossed SB 2117

**SUMMARY OF ACTUARIAL INFORMATION:** North Dakota Workers Compensation, together with its actuary, Glenn Evans of Pacific Actuarial Consultants, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

**FISCAL IMPACT:** The engrossed bill will have no significant impact on rate and reserve levels.

**DATE:** January 29, 2001

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.*

<b>Name:</b>	Paul R. Kramer	<b>Agency:</b>	ND Workers Compensation
<b>Phone Number:</b>	328-3856	<b>Date Prepared:</b>	01/29/2001

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/03/2001

Bill/Resolution No.: SB 2117

Amendment to:

**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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 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.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 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.*

**NORTH DAKOTA WORKERS COMPENSATION  
 2001 LEGISLATION  
 SUMMARY OF ACTUARIAL INFORMATION**

**BILL DESCRIPTION:** Open Records

**BILL NO:** SB 2117

**SUMMARY OF ACTUARIAL INFORMATION:** North Dakota Workers Compensation, together with its actuary, Glenn Evans of Pacific Actuarial Consultants, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

The proposed bill removes subsection 5 of Section 65-05-32, which details the claim specific information that is available to the public and the methods of how it can be distributed.

**FISCAL IMPACT:** Anticipate no impact to rate and reserve levels.

**DATE:** January 4, 2001

**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.*

<b>Name:</b>	Paul R. Kramer	<b>Agency:</b>	ND Workers Compensation
<b>Phone Number:</b>	328-3856	<b>Date Prepared:</b>	01/05/2001

PROPOSED AMENDMENTS TO SENATE BILL 2117

Page 1, line 1, after "section 43-17-32.1," insert "a new subsection to section 44-04-17.1,"

Page 1, line 6, after "44-04-19.2," insert "and" and remove ", and section 65-05-32"

Page 2, line 3, remove "order of the"

Page 2, remove line 4

Page 2, line 5, remove "education," and replace "director of a" with "individual in charge of a state agency or institution,"

Page 2, remove line 6

Page 2, line 7, remove "employees of the agency,"

Page 2, after line 18, insert:

"SECTION 3. A new subsection to section 44-04-17.1 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

"Task force or working group" means a group of individuals which has been formally designated to meet as a group to assist, advise, or act on behalf of, the individual in charge of a state agency or institution, when a majority of the members of the group are not employees of the agency or institution.

Page 5, remove lines 14 through 30

Page 6, removes lines 1 through 12

Re-number accordingly

