

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/09/2015**

Amendment to: HB 1250

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$90,023		\$61,023	
Appropriations			\$90,023		\$61,023	

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB 1250 requires Governor appointed boards and commission to publish minutes from each meeting on the Governor's website within 60 days.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

In order to publish minutes on the Governor's website, the Boards and Commissions application will need to be modified to allow for the posting of minutes at an estimated cost of \$29,000. Records retention laws require that minutes be retained for 3 years. An estimated cost for storing the data from 144 boards and commissions is approximately \$7000.

Several variables are unknown concerning the duties necessary to comply with this bill. It cannot be determined from the language contained in the bill, if the Governor's office will be responsible for contacting boards and commissions to obtain minutes when they are not provided. In addition, if links to websites are received in place of minutes, someone will need to insure those links are not broken. It takes a significant amount of time to monitor those links to insure the information presented continues to be useful, and when a link no longer works, those boards and commissions would need to be contacted to get a valid web address.

Depending on the additional requirements and unknown issues, the time required for a staff member tasked with compliance, to manage the website uploads of meeting minutes for 144 boards and commission could be significant. At a minimum, the Governor's Office would need to add an additional part-time temporary employee. The cost for a part-time position is estimated at \$54,023 for salary and benefits.

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.*

2015-17:

\$54,023 – Salaries Line: part-time temporary position

\$36,000 – Operating Line: 29,000 one-time web development for modification of the Boards and Commissions application; \$7,000 data storage costs.

2017-19:

\$54,023 – Salaries Line: part-time temporary position

\$7,000 – Operating Line: data storage costs.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

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**Name:** Jan Lund

**Agency:** Office of the Governor

**Telephone:** 701-328-2715

**Date Prepared:** 01/30/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/23/2015**

Bill/Resolution No.: HB 1250

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**Name:** Jan Lund

**Agency:** Office of the Governor

**Telephone:** 701-328-2715

**Date Prepared:** 01/30/2015

**2015 HOUSE POLITICAL SUBDIVISIONS**

**HB 1250**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee

Prairie Room, State Capitol

HB 1250

1/23/2015

22466

☐ Subcommittee

☐ Conference Committee

Ammonda Muscha

### Explanation or reason for introduction of bill/resolution:

Relating to the publishing of minutes of board and commissions.

### Minutes:

Ben Hanson Testimony #1  
Duane Houdek Testimony #2  
Bob J. Entringer Testimony #3  
Connie Flanagan Testimony #4

**Chairman Klemin:** Opened the hearing on HB 1250

**Representative Hanson:** See testimony #1

**Representative Koppelman:** With elected bodies and publication requirements, do any of these boards have any publications? They are open meetings and no one knows?

**Representative Hanson:** I do not know about printed publication. They do not have any online publication.

**Representative Koppelman:** So you were saying some of these have webpages or websites of their own? Would it be a matter of linking those pages to the governor's page? (nd.gov?)

**Representative Hanson:** Yes the URL in the pages themselves. Some of them do have websites but those websites don't always have meeting minutes. I also wouldn't want to require citizen boards to have to have a website when this already exists, why not just give it to them and they can upload the page where that board is listed.

**Chairman Klemin:** I assumed that some of these have requirements for publishing minutes and notices?

**Representative Hanson:** Some of them may I didn't look at them all.

**Representative Hatlestad:** Do they meet on a regular basis as far as you know?

**Representative Hanson:** I do not know, I cannot ascertain that online, I could have gone through and contacted email address that were provided.

**Opposition:**

**Duane Houdek:** See testimony #2 (We give notice of all our meetings and upcoming meetings in a year in advance.

**Representative Zubke:** There are a lot of these boards that meet once every three months, so by the time they had a second meeting to approve the minutes, the minutes would be old anyways.

**Duane Houdek:** Correct, people are allowed to sit in on the meetings and we willingly give them to people who want them.

**Representative Koppelman:** If this is to be useful to the public, shouldn't the minutes be posted once they were ready?

**Duane Houdek:** Yes we could post them as draft minutes; there may be slight mistakes because they are not the final minutes though.

**Representative Koppelman:** So this would affect many boards but draft minutes would still of use to the people. Can't they approve the minutes at the ending of a meeting like others? What about people who miss meetings?

**Duane Houdek:** To some extent that may be true. We don't tend to deal with things that are short term.

**Representative Kelsh:** Don't the examiner boards have ability to remove licenses or suspend them. By printing minutes can you still have confidentiality?

**Duane Houdek:** By statute we have separate investigative panel. It would not harm that.

**Representative Becker:** It appears that there is a requirement for commissions and public boards to publish the minutes for open records.

**Duane Houdek:** My understanding is that we have to furnish the minutes at request of the people.

**Lori Laschkewitsch:** On behalf of the office of management and budget and we are neutral. We just want to bring to your attention that there will be a fiscal note made up. There will be web costs, staff time, etc... We do publish through a link on the governor's website. There would be a volume of minutes depending on how frequent they meet.

**Jack McDonald:** Here on behalf of Newspaper and Broadcasters Association. We are neutral. I have answers. Regarding the pending approval, you'll notice in current state law right now in page 2 of the bill on lines 4-6 it says that the disclosure of minutes upon this subsection may not be conditioned on the approval of the minutes by the governing body. There is specific legislation about when minutes need to be provided. If they want to they can publish these as pending approval the same language is in there under the county publication. The pending approval is not an unusual situation. About penalties, there is a bill in this session to put a penalty on. Under the general law it is a general open law and if violated it would be a misdemeanor. If you oppose a fine who do you fine?

**Robert J. Entringer:** See testimony #3

**Representative Beadle:** Discussing the idea of the public not knowing. Do you think it is feasible for secretary to put draft through the page so the public would know (watermark)?

**Robert J. Entringer:** Yes that is possible. We can also give the recording.

**Representative Hatlestad:** Do you know how many requests you have for the minutes?

**Robert J Entringer:** The request is relatively few.

**Representative Hatlestad:** So we could be creating a great deal of work for no reason?

**Robert J Entringer:** If we do it no. If it goes through the governor's office yes.

**Connie Flanagan:** See testimony #4

**Representative Koppelman:** If someone didn't know what RIO was, how would they find this website?

**Connie Flanagan:** We are listed as an agency on the state website including a link.

**Representative Koppelman:** There are so many links out there, but to the public I think the big deal is to get the information out there not just a link on a page that they would have to find.

**Connie Flanagan:** That is why we would rather not do duplicating of minutes for multiple pages.

**Chairman Klemin:** Closed the hearing on HB 1250.



# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee

Prairie Room, State Capitol

HB 1250

1/30/2015

22899

☐ Subcommittee

☐ Conference Committee

Ammonda Muscha

### Explanation or reason for introduction of bill/resolution:

Relating to the publishing of minutes of board and commissions

### Minutes:

Representative Koppelman Testimony #1

This hearing is inaudible

Chairman Klemin: Opened hearing on HB 1270

Representative Koppelman: Brought forward proposed amendments (Testimony #1) and motioned to move the amendments

Representative Beadle: Seconded the motion

A Voice Vote Was Taken: All in favor

The amendments were adopted

Chairman Klemin: We are also waiting on a fiscal not so this will be on hold until Thursday. Close the hearing on HB 1250.

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

HB 1250  
2/5/2015  
23296

☐ Subcommittee  
☐ Conference Committee

*Aminda Muscha*

### Explanation or reason for introduction of bill/resolution:

Relating to the publishing of minutes of board and commissions

### Minutes:

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Chairman Klemin: Opened hearing on discussion for HB 1250 we did pass a motion to amend the bill already.

Representative Koppelman: Which bill was the fiscal note prepared for?

Chairman Klemin: It was the original one.

Representative Koppelman: I would move a do pass, rerefer to appropriations, and a fiscal note redo.

Representative Beadle: Seconds

Representative Hatlestad: With the amendment you made it more palatable but it is unnecessary. If you're interested I the information you will get it.

Chairman Klemin: We hear about the lack of money so if we don't have the extra money we should not use this.

Representative Koppelman: You are right about that, with the amendment I think it will reduce the cost.

Representative Strinden: I agree with Hatlestad. My real problem is having a draft minute being published instead of the final ones.

Representative Zubke: I would echo that.

A Roll Call Vote was taken: Yes 4, No 9, Absent 1 (Toman)

Motion failed

Representative Zubke: Motioned for a do not pass

Representative Klein: Seconded

A Roll Call Vote was taken: Yes 9, No 4, Absent 1 (Toman)

Motion carries

Representative Strinden will carry the bill

February 5, 2015

8-5-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1250

Page 1, line 2, replace "board" with "boards"

Page 2, line 2, after "body" insert ", or a link to the governing body's website, if the governing body's website provides substantially similar information."

Page 2, line 4, after "4." insert "Minutes must remain on the website for one year after the date of publication on the website.

5."

Renumber accordingly

Date: 1/30/2015  
Roll Call Vote #:1

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1250**

House	Political Subdivisions	Committee
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☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: Koppelman amendment

Recommendation: ☒ Adopt Amendment  
☐ Do Pass    ☐ Do Not Pass    ☐ Without Committee Recommendation  
☐ As Amended    ☐ Rerefer to Appropriations  
Other Actions: ☐ Reconsider    ☐

Motion Made By Koppelman Seconded By Beadle

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					
	voice			voice	

	(Yes)	No
Total		

Absent

## Floor Assignment

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

Amendments are adopted

Voted on proposed amendment  
no. LC #

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1250

House Political Subdivisions Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: 15.0785.01001

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☒ Rerefer to Appropriations  
Other Actions: ☐ Reconsider ☒ redo fiscal note

Motion Made By Koppelman Seconded By Beadle

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin		X	Rep. Pamela Anderson		X
Vice Chair Patrick R. Hatlestad		X	Rep. Jerry Kelsh		X
Rep. Thomas Beadle	X		Rep. Kylie Oversen	X	
Rep. Rich S. Becker		X	Rep. Marie Strinden		X
Rep. Matthew M. Klein		X			
Rep. Kim Koppelman	X				
Rep. William E. Kretschmar		X			
Rep. Andrew G. Maragos	X				
Rep. Nathan Toman	/				
Rep. Denton Zubke		X			

Total (Yes) 4 No 9

Absent 1 Toman

Floor Assignment \_\_\_\_\_

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

motion failed

Date: 2/5/2015  
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1250

House Political Subdivisions Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Zubke Seconded By Klein

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin	X		Rep. Pamela Anderson	X	
Vice Chair Patrick R. Hatlestad	X		Rep. Jerry Kelsh	X	
Rep. Thomas Beadle		X	Rep. Kylie Oversen		X
Rep. Rich S. Becker	X		Rep. Marie Strinden	X	
Rep. Matthew M. Klein	X				
Rep. Kim Koppelman		X			
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos		X			
Rep. Nathan Toman	/				
Rep. Denton Zubke	X				

Total (Yes) 9 No 4

Absent 1 Toman

Floor Assignment Strinden

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

motion of do not pass carries

**REPORT OF STANDING COMMITTEE**

**HB 1250: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1250 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "board" with "boards"

Page 2, line 2, after "body" insert ", or a link to the governing body's website, if the governing body's website provides substantially similar information,"

Page 2, line 4, after "4." insert "Minutes must remain on the website for one year after the date of publication on the website."

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Renumber accordingly



**2015 TESTIMONY**

**HB 1250**

## **HB 1250 Testimony; Rep. Ben Hanson**

### **House Committee on Political Subdivisions:**

*January 23<sup>rd</sup>, 2015 testimony in regards to HB 1250; A BILL for an Act to amend and reenact section 44-04-21 of the North Dakota Century Code, relating to the publishing of minutes of board and commissions.*

Mr. Chair, fellow committee members, for the record my name is Ben Hanson and I am a representative from District 16 in Fargo and West Fargo. I stand before you today to testify in favor HB 1250.

North Dakota has 144 citizen boards and commissions (names provided to committee in separate document). All are available at the website: <http://governor.nd.gov/boards/>. Currently the boards are not required and do not post meeting minutes or meeting times on their respective pages within the governor's website. For instance, if one were interested in what Governor Dahlen's commission on military affairs in North Dakota, ("Governor's Task Force For Military Issues in North Dakota") one cannot currently see what the commission has met about, when they met or where they met.

HB 1250 adds simple language to the Century Code requiring the boards and commissions to upload meeting minutes within sixty days of said meeting. The committee could add further language to require posting meeting times a certain number of days beforehand online. As that may be viewed as cumbersome I leave that to this committee.

This bill comes at no cost to the boards and commissions themselves or the Governor's office. The website already exists and is maintained by state staff. The minutes-taker can simply provide a typed or scanned copy of the minutes to the appropriate staff who would upload it on the appropriate page.

### Current Boards and Commissions:

- Abstracters' Board of Examiners
- Accountancy, State Board of
- Addiction Counseling Examiners, Board of
- Aeronautics Commission, North Dakota
- Aging, Committee on
- Agricultural Products Utilization Commission
- Air Pollution Control Advisory Council
- Alternatives to Incarceration, Commission on
- Animal Health, State Board of
- Architecture and Landscape Architecture, State Board of
- Arts, North Dakota Council on the
- Athletic Trainers, North Dakota Board of
- Atmospheric Resource Board, North Dakota
- Audiology And Speech-Language Pathology, Board of Examiners on
- Autism Spectrum Disorder Task Force
- Bank of North Dakota, Advisory Board of Directors to the
- Banking Board, State
- Barber Examiners, Board of
- Beef Commission, North Dakota
- Capitol Grounds Planning Commission
- Career and Technical Education, State Board for
- Chiropractic Examiners, State Board of
- Clinical Laboratory Practice, North Dakota Board of
- Cosmetology, State Board of
- Counselor Examiners, Board of
- Credit Review Board
- Credit Union Board, State
- Criminal Justice Information Sharing Board (CJIS)
- Crop Insurance Development Board
- Crop Protection Product Harmonization and Registration Board
- Dairy Promotion Commission, North Dakota
- Dental Examiners, State Board of
- Development Fund, Incorporated, North Dakota
- Developmental Disabilities, State Council on
- Devils Lake Outlet Management Advisory Committee
- Dietetic Practice Board
- Drug Use Review Board
- Drugs and Alcohol, Governor's Prevention Advisory Council on
- Early Childhood Education Council, North Dakota
- Economic Development Foundation
- Education Commission of the States
- Education Factfinding Commission
- Education Standards And Practices Board
- Educational Technology Council

- Electrical Board, State
- Employment of People with Disabilities, Committee on
- Energy Policy Commission (Empower North Dakota Commission)
- Engineers and Land Surveyors, State Board of Registration for Professional
- Funeral Service, State Board of
- Game And Fish Advisory Board
- Gaming Commission, State
- Governor's Task Force For Military Issues in North Dakota
- Health Council
- Health Information Technology Advisory Committee
- Hearing Aid Specialists, Board of
- Higher Education Grant Review Committee
- Higher Education, State Board of
- Historical Board, State
- Historical Records Advisory Board, State
- Homelessness, Interagency Council on
- Humanities Council, North Dakota
- Indian Affairs Commission, North Dakota
- Indian Scholarships, State Board For
- Integrative Health Care, State Board of
- Interagency Coordinating Council
- Intergovernmental Relations, Advisory Commission on
- International Peace Garden, Inc., Board of Directors of the
- Interstate Adult Offender Supervision, North Dakota State Council for
- Interstate Juvenile Supervision, North Dakota State Council for
- Interstate Oil And Gas Compact Commission (IOGCC)
- Investment Board, North Dakota State
- Judicial Conduct Commission
- Judicial Nominating Committee
- Juvenile Justice Advisory Group
- Legal Counsel for Indigents, Commission on
- Library Coordinating Council, North Dakota
- Lignite Research Council
- Marriage and Family Therapy Licensure Board, North Dakota
- Massage, Board of
- Medical Examiners, State Board of
- Medical Facility Infrastructure Loan Task Force
- Mental Health and Substance Abuse Planning Council, North Dakota
- Midwest Interstate Passenger Rail Compact Commission
- Midwestern Higher Education Compact
- Military Interstate Children's Compact Commission
- Milk Marketing Board
- National and Community Service, State Commission on
- Natural Resources Trust Board of Directors
- Nursing Home Administrators, State Board of Examiners For
- Nursing, State Board of

- Occupational Therapy Practice, Board of
- Oil and Gas Research Council
- Oilseed Council, North Dakota
- Olmstead Commission
- Optometry, North Dakota State Board of
- Outdoor Heritage Fund Advisory Board, North Dakota
- Pardon Advisory Board
- Parole Board, State
- Personnel Board, State
- Petroleum Tank Release Compensation Advisory Board
- Pharmacy, State Board of
- Physical Therapy, Board of
- Plumbing, State Board of
- Podiatric Medicine, Board of
- Prison Industries Advisory Committee
- Private Investigative And Security Board
- Property Tax Reform, Task Force on
- Protection And Advocacy, Committee on
- Psychologist Examiners, State Board of
- Public Employees Retirement System Board (PERS)
- Public School Education, State Board of
- Racing Commission, North Dakota
- Real Estate Appraiser Qualifications And Ethics Board, North Dakota
- Real Estate Commission, North Dakota
- Reflexology, North Dakota Board of
- Rehabilitation Council, State
- Renewable Energy Council
- Respiratory Care, State Board of
- Rural Development Council
- Small Business Air Pollution Compliance Advisory Board
- Social Work Examiners, North Dakota Board of
- Soil Classifiers, State Board of Registration for Professional
- Soil Conservation Committee, State
- State Employees Compensation Commission
- State Information Technology Advisory Committee
- Statewide Independent Living Council
- Statewide Longitudinal Data System Committee
- Status of Women, Commission on
- STOP Violence Against Women Advisory Committee
- Teachers' Fund For Retirement (TFFR) Board
- Tobacco Prevention and Control Advisory Committee
- Unemployment Insurance Advisory Council
- Uniform State Laws, Commission on
- Veterans Affairs, Administrative Committee on
- Veterinary Medical Examiners, State Board of
- Water Commission, State

- Water Pollution Control Board, State
- Water Well Contractors, State Board of
- Wheat Commission, North Dakota State
- Workforce Development Council, North Dakota
- Workforce Safety and Insurance Board
- Workforce Safety and Insurance Coordinating Committee
- Yellowstone-Missouri Rivers Confluence Commission
- Youth Development Council

## Boards and Commissions

### *Governor's Task Force For Military Issues in North Dakota*

Type of Board:	Task Force	Pay/Benefits:	
Voting Members:	14	Other Members:	0
Non-Voting Members:	0	Created by:	
Length of Terms:	open ended		
Frequency of Meetings:			
Address:	Lt Col Greg McDonald North Dakota Joint Force Headquarters Bismarck, ND 58503		
Phone:	701-333-2234		
Fax:	701-333-2037		
Website:			
Email:	<a href="mailto:gregory.e.mcdonald@us.army.mil">gregory.e.mcdonald@us.army.mil</a>		

Member Name	Position	Work	County	Appt. Date	Term Ends
<a href="#">Black, Robert</a>			Burleigh	6/26/2012	Open
<a href="#">Blazek, John</a>			Cass	6/26/2012	Open
<a href="#">Davis, Scott</a>		(701) 328-2428	Burleigh	5/17/2010	Open
<a href="#">Goodman, Carol F.</a>		(701) 256-3475	Cavalier	7/1/2004	Open
<a href="#">Hankla, Peter</a>				6/26/2012	Open
<a href="#">Jantzer, Mark J.</a>		(701) 838-3967	Ward	7/1/2004	Open
<a href="#">Klemetsrud, Jeff</a>		(701) 662-4934	Ramsey	2/7/2011	Open
<a href="#">Lee, Bill</a>			Grand Forks	6/26/2012	Open
<a href="#">Olgeirson, Shirley</a>		(701) 333 2016	Burleigh	9/17/2014	Open
<a href="#">Palmer, Brig Gen Al</a>		(701) 777-2615	Grand Forks	5/17/2010	Open
<a href="#">Peterson, Andy</a>		(701) 222-0929	Burleigh	6/26/2012	Open
<a href="#">Sprynczynatyk, Major General David</a>		(701) 333-2001	Burleigh	8/26/2006	Open
<a href="#">Steele, Delton</a>		(701) 280-3553	Cass	7/1/2004	Open
<a href="#">Townsend, Bill</a>		(701) 222-0827	Burleigh	9/5/2006	Open

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**HOUSE POLITICAL SUBDIVISIONS COMMITTEE**

**House Bill No. 1250**

Testimony of Duane Houdek

January 23, 2015

Chairman Klemin, members of the House Political Subdivisions Committee, my name is Duane Houdek. I am the executive secretary of the North Dakota State Board of Medical Examiners, Chairman of the Parole Board and of the Judicial Nominating Committee and a member of the Pardon Advisory Board, all of which fall under the direction of this proposed legislation.

I appear today in a neutral position, not representing any specific board's position, but offering just a comment on what I see as someone who drafts the minutes for the Board of Medical Examiners.

The Board of Medical Examiners regularly meets three times per year, every March, July and November. We post approved minutes on our website as soon as they are approved and signed by the Chairman of the board. We record the audio of every meeting and retain the recording on a flash drive.

Our minutes are much more extensive than those required by law. If the board denies a medical license to an applicant, or if we take away an existing medical license, we give a detailed reason why, not only in the order of denial or suspension, but in the meeting minutes, as well. We do this because our investigations and investigative materials are confidential, by law, as they must be, but we want not only the affected physician but the public to understand the reasoning of the board. Thus, the public orders and the public minutes are meant to educate and to inform the public of the position of the board. We strive to be as transparent as possible.

I take great care in drafting the minutes of the board, not only because I want them to be as accurate as possible, but also because I know they will be read by affected physicians and attorneys for affected physicians.

Because of the timing of our meetings, the mandate of this bill would either require the posting of draft minutes or holding a special meeting to approve the minutes, which would require its own set of minutes.



These things are certainly doable, but not preferable. Without knowing the reason this bill is seen to be necessary, I cannot comment on whether, in balance, they need to be imposed. I just raise this issue for your consideration.

Thank you, Mr. Chairman. I would be glad to try to answer any questions you may have.

## MEMORANDUM

**DATE:** January 23, 2015  
**TO:** House Political Subdivisions Committee  
**FROM:** Robert J. Entringer, Commissioner  
**SUBJECT:** Testimony in Opposition to House Bill No. 1250

Chairman Klemin and members of the House Political Subdivisions Committee, thank you for the opportunity to provide testimony related to House Bill No. 1250.

Mr. Chairman and members of the Committee, as you know House Bill No. 1250 requires on-line publication of meeting minutes within 60 days for each meeting of a governing body to which the Governor appoints a member; our department contains two boards that would be subject to this requirement. The purpose of my testimony is to provide the committee with a few practical concerns that our department has noted regarding the bill, as proposed.

As some background, the State Credit Union Board only meets four times per year unless additional meetings are called by the Chairman; the State Banking Board meets six times per year unless additional meetings are called by the Chairman. As a matter of practice, our department staff creates a draft form of the minutes after each meeting, and both our boards review and approve the minutes at their next scheduled regular meeting, where the board members make changes if necessary. At this point, the department publishes the board approved minutes on our department website.

As drafted, the Bill would require the meeting minutes to be published on the Governor's website within 60 days regardless of whether they were approved by the respective governing body. Based on the meeting schedules of our boards, in some cases they would not be able to review and approve the minutes within the 60 days. While I recognize that the draft meeting minutes are subject to the open records law, online publication of these draft minutes could cause some confusion in the sense that potential errors would not be corrected prior to publication, and members of the public viewing the minutes on-line may not realize that they have not yet been adopted by the board and are therefore subject to change. For example, the meeting secretary may not have captured

accurately what a board member stated and the minutes would only be corrected once they are reviewed for approval. Currently, if a member of the public were to request draft meeting minutes, the Department could, in addition to providing the draft minutes, communicate to the individual directly that the meeting minutes are in draft form and subject to change, and the requestor could be made aware of the expected availability of a final approved copy. This level of communication would not necessarily be present if draft meeting minutes were viewed on-line. For these reasons, I feel that publication of board approved minutes would provide the public with a more accurate record of the meeting.

Another issue I would like to address regarding the Bill is the requirement that the minutes be published on the Governor's website. Again, the minutes of both the State Banking and State Credit Union Boards are already published on the department's website and have been published since 2003. I also noted that another example of a governing body which publishes their minutes is the NDPERS board; their minutes date back to 2002 on their website. Given that there are approximately 140 boards and commissions listed on the Governor's website, it may be more practical and efficient to allow governing bodies which operate their own websites to continue to publish and store their own minutes. In doing so,

these agencies would continue to be responsible for both the cost of the storage of the minutes, and ensuring the minutes are uploaded in a timely manner.

A final issue that is not clear within the Bill as proposed is how long the minutes must remain on the website. It would be helpful if this issue was addressed in the Bill; as noted above there is a cost to the respective governing body/agency for maintaining the minutes on-line.

Mr. Chairman, thank you for the opportunity to provide this testimony, and I would be happy to answer any questions the Committee may have.

## **HB 1250**

**North Dakota Retirement and Investment Office (RIO)  
Testimony to the House Political Subdivisions Committee  
Connie Flanagan, Fiscal and Investment Operations Manager  
January 23, 2015**

Chairman Klemin and members of the Committee, I am Connie Flanagan and serve as the Fiscal and Investment Operations Manager of the Retirement and Investment Office (RIO). I am providing testimony on behalf of David Hunter, Executive Director and Chief Investment Officer ("ED/CIO") for RIO, who is unable to attend today's committee meeting due to a previously scheduled State Investment Board ("SIB") meeting.

RIO is responsible for coordinating the activities of the state investment board, including maintaining board meeting minutes on behalf of the board. First, I would like to point out that it is not clear if HB1250 as proposed would apply to the SIB, given that membership on the SIB is set by statute so some members are not directly appointed to the board by the Governor, but rather are filling Governor appointed positions that serve on the SIB. In the event, however, it is determined that HB1250 is applicable to the SIB, I would like to offer this testimony against the proposed amendment on behalf of the ED/CIO of RIO.

The amendment for HB1250 states that "Each governing body to which the governor appoints any member shall publish on the governor's office website the minutes of each meeting of the governing body within sixty days after the meeting."

Mr. Hunter is opposed to this amendment given that RIO already publishes minutes for the SIB on RIO's website within 60 days after a meeting. As a result, this requirement appears to be redundant or duplicative of RIO's existing policies and practices. These concerns may be resolved if it would be acceptable to simply add a link on the Governor's website to the minutes on RIO's website. RIO's website address for the SIB minutes is: <http://www.nd.gov/rio/SIB/default.htm>.

Mr. Chairman and committee members, I would like to thank you for the opportunity to provide testimony and would be happy to answer any questions of the Committee.

**Proposed Amendment to HB 1250**

Page 2, line 2, after "body" insert ", or a link to the governing body's website, if it provides substantially similar information."

Page 2, line 3, after "meeting" add "4. Minutes must remain on the website for one year after the date of publication on the website."

Renumber accordingly.