



# North Dakota Association of REALTORS®

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North Dakota Association of REALTORS®

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## 2017

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#### *STAFF:*

Jill Beck, *Chief Executive Officer*

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Nancy Willis, *Gov’t Affairs Director*

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Minutes

### Government Affairs Committee

January 4, 2017 9:00 a.m.

Conference Call and Google Zoom Meeting

Present: Tricia Schlosser, Chair; Phil Vanyo, Vice Chair; Dave Lanpher, Past Chair; Tate Cymbaluk; Cindy Harvey; Amy Hullet; Paul Krabbenhoft; Greg Larson; Sharon Lunski; Jamie McLean; Neal Messer; Vicki Roller; Mary Shelkey Miller; Mary Splichal; Arlene Volk; Ron Volk; DeLynn Weishaar.

Absent with notice: Jack Kavaney; Desiree Neether; Reps. Tom Beadle, Josh Boschee, Tom Kading, Scott Louser, Steve Vetter; Sens. Scott Meyer and Jim Roers.

Absent: Tyler Hofland; Kristin Oban; Candi Steidler; Mike Swartz; Dewey Uhler; Ninetta Wandler.

Guests: Lyn Dwyer, NDAR President; Ben Schroeder, NDAR President Elect; Jill Kjorstad, NDAR Director-At-Large; Jill Beck, CEO; John Colter; Nancy Deichert, AEs.

Presiding: Tricia Schlosser, Chair

Director Liaison: Amy Hullet

Staff Liaison: Nancy R. Willis, GAD

1. Tricia Schlosser called the meeting to order and roll was taken.
2. Minutes of the December 8, 2016 meeting were approved. **M/S/C**
2. Proposed carbon monoxide legislation was moved up on the agenda. Nancy Willis said this was the latest version and it had been sent out to committee members for comment but none were received. It has not yet been introduced. Since the last meeting, the ND Association of Home Builders has taken a position in support and the ND Apartment Association has chosen to remain neutral. During discussion issues of liability of owner and recourse if tenant disables or takes with them when they leave as well as support for bill based on homeowner and tenant safety. A motion was made to remain neutral. Motion failed. **M/S/F** Consensus was to take no further action at this time.
3. Dave Lanpher informed committee members that the NDREC Term Limits Task Force had voted unanimously to recommend to the committee that legislation with the suggested draft language sent out to committee members be moved forward to the Board of Directors to be approved to be introduced at NDAR’s request. Schlosser explained to the committee that they would need to approve the Task Force’s recommendation to move forward to the board or not. The board could then approve or disapprove. Willis was asked whether there would be sponsors if this were moved forward. She said two REALTOR® legislators had expressed their willingness if the board approved.

Discussion ensued. Questions and answers covered were: Why weren't any commissioners included in the Task Force or in this Govt. Affairs Mtg. to provide input? Task Force members said they felt it would be a conflict of interest. Willis and Beck said Pat Jergenson, NDREC Executive Director, was informed after the December 8, 2016 meeting that a task force to look at term limits had been convened and the draft language had been sent to Jergenson and Commissioners for their input on Dec. 30, 2016 after the Task Force had voted to proceed. What was the reason for term limits? Task Force members said this was an issue that had been discussed numerous times over the years and again brought up at the Strategic Planning session and that in considering Core Standards and the push for excellence and professionalism the licensing board should be examined as well. Other REALTOR® members also had commented in recent years that a change of the guard is a healthy thing and looking at commissioners' tenure perhaps it was time for a change. Also some had heard that several of the commissioners had shared that this might be their last term, so the timing would be right to bring this forward. A July 1 date was the tentative effective date because that is when Commissioner's terms begin. Does that mean that all the commissioners will be off of the Commission as of that date? Task Force members said their intent was to have everyone complete their terms and for the changes to become effective after that. Willis said the only one that might be affected would be Commissioner Youngberg, depending on when the Governor makes appointments, as his term ends in 2017, but that if this legislation is approved to move forward, Legislative Council would need to draft a correct bill that would have language making clear NDAR's intent.

Lanpher reviewed the language of the draft and the rationale for the changes: changed the composition to four brokers from three because in the last 20 years there have been four brokers, so just formalizing in Century Code what already is in place; stated that brokers must be actively licensed because wanted working brokers and a license can be placed in escrow; added the requirement that they be in practice at least five years because this seemed to be a common requirement of commissioners around the country and task force members felt commission members should have some experience under their belt; clarified that the public member not be a real estate licensee (right now Century Code simply says two others); added that commissioner must be a resident of the state because again this was standard language for many other state commissions and because task force members felt that those regulating state licensees should be state residents; stipulated that no two commissioners be from the same county, to again formalize the Governor's practice of making sure there is geographic diversity; set the limit at two consecutive terms, which would be 10 years, which task force members felt was a sufficient amount of time for new members to become familiar with Commission policies and practices and was a reasonable amount of time for someone to give in service to the public.

Committee members spoke in support and opposition to recommending moving the legislation forward. Of primary concern of those in opposition was obtaining input from the Commissioners. Willis told members that Commissioners could provide input and change language by amendment even after the bill was introduced, if those were the wishes of the committee and the Board; however, if there was strong support to move forward, the last day a bill could be introduced in the Senate would be January 23 and the sponsor would need to give Legislative Council enough time to draft the bill and answer any questions or make any changes once the draft was completed and before it was introduced.

Schlosser asked for discussion to cease and for committee members to decide if they wanted to approve the Task Force's recommendation to move forward to the Board or not. A motion was made and seconded to take no further action on the bill until input was received from Commission members. The motion failed. **M/S/F** A motion was made and seconded to approve the recommendation of the Task Force to proceed with legislation incorporating the changes in the draft during this session and move it forward to the Board of Directors. The motion was approved. **M/S/C** Beck informed the Committee that a Board meeting was scheduled for the next day January 5.

4. Schlosser asked for approval of the language changes to the NDAR Public Policy Statement discussed by the committee at the December 8, 2016 meeting. A motion to that effect was approved. **M/S/C** Schlosser thanked everyone for taking the time to participate in the meeting and for the robust discussion regarding the term limit legislation.

Willis reminded members that Legislative Update calls would begin on Friday, January 13 from noon to 1 pm and that call-in information and relevant materials would be sent out prior to each call.

There being no further business, the meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Nancy R. Willis, GAD