

2013 HOUSE POLITICAL SUBDIVISIONS

HB 1325

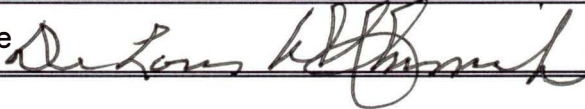
2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1325
February 1, 2013
Job # 18164

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill for an Act to provide a ND-Saskatchewan legislative exchange; to provide an appropriation; and to declare an emergency.

Minutes:

Proposed Amendment #1

Chairman N. Johnson: Opened the hearing on HB 1325.

Rep. Drovdal: Introduced this bill. As many of you know you gave me the opportunity and privilege of serving as your speaker the last two years. I had an opportunity to represent the state of ND in many states, across the nation and the world. One of those trips happened to be in Regina, Sask. Legislature. They invited me and two colleagues along with the Senate Majority leader and two of his colleague to come up on an official visit and we met with the Prime Minister, which would be equal to our governor. We meet with various officials during our trip. They took us out for a supper and we met with the opposition party, which is the minority party and met with the governing party. It was a good meeting with lots of exchanges of common interest. They asked if we would make it official that we would be there and during the odd years when we were in session they would be invited down as official delegates. The amendment takes that partnership out of there. (See proposed amendment #1). Went over the amendment. I feel the state of ND should foot the bill instead of the representatives that are representing all of us. Since I put this in I had a request that as we travel is that they give you gifts so we should give those gifts too. I did and it was at my expense mostly and it was souvenirs and I passed them out and I had my own name on the back of it. (He passed it around to look at). The first time I went I had asked the Dept. of Commerce if they could provide some stuff and they did, but it was not very nice so that did not seem adequate to represent the great state of ND. I was asked that we add some additional money that the majority and minority leader from both the House and Senate and the speaker; when they go on trips would be able to get some items. This would all have to be documents and turned into the Legislative Council before they got reimbursed for their money. So I would ask you consider an amendment putting some money for that cause.

Rep. M. Klein: I was probably the first one to have that opportunity back when I was speaker. At the time there was no money in the kitty. We had a member of the House, Democrat and Republican went up with me. Then we did have them down at the session

too, but we couldn't even take them out for supper. We didn't have any funds to do that with. We finally imposed on one of our sponsors to take care of the supper for them. It is a great idea.

Rep. J. Kelsh: With your amendments I still see nothing that would guarantees or suggests that those folks that go along would have to be someone from the minority party. Maybe we should have something in there at least on a percentage basis the delegation would include the minority party as they are represented in the legislature.

Rep. Drovdal: You correct. It does not specify. It is at the discretion of the speaker and the present portend. When I went last time I had a hard time finding anybody and because of time and everybody is busy. The majority leader with two of his members couldn't even go so I didn't want to restrict it any more than I absolutely had to. Time is important to all of us when we are not in session.

Rep. J. Kelsh: Would it be alright to put in there the minority leader or his designee? I think there should be a guarantee of a minority representation on these trips.

Rep. Drovdal: You can put in any amendment and I would accept whatever the committee choses to do. I don't think you should tie it down too much so all of a sudden you can't find anybody to go. Discussed the fact that it was a problem finding people to go on the trip to Regina, Sask.

Rep. Hatlestad: I had the opportunity to accompany the nonpartisan speaker when we went and it was a great sharing of information. There is a tremendous similarity between problem that we face especially in energy and transportation. We had excess to their ministers and we had some great discussions. We paid our own expenses except for what they furnished us.

Rep. Koppelman: Does the Secretary of State know about this great seal?

Rep. Drovdal: Yes they all know about that and I cannot use that for political purposes.

Rep. M. Klein: You just have to have somebody from the other party because he meets with the other party in Sask. and the inter relationship has to be there. If you take everybody from one party you miss the connection with the opposition party up there.

Rep. Drovdal: We did meet with the opposition party in their caucus and had a nice discussion with them. We did not tell them which party we were from. It is a very valid point.

Rep. Maragos: How did you go about alerting anybody from the assembly that you needed people to go?

Rep. Drovdal: The way this worked out I was gone for quite a bit of last year so when I got back I was on a tight schedule so what I did is I grabbed the phone book and started calling people. Rep. Froseth was one; and then could not go and then I had a couple others.

Rep. Skarpol went with us and he has worked quite a bit with the Parliament up there coming off appropriations. At the last minute I was please to get Rep. Hatlestad to join us.

Rep. Klemin: The fiscal note says \$16,000? There is \$2500 in the bill and the rest would have to come out of the Legislative Council budget for attending meeting so we have a total of \$16,000 to send people up for a 3 day trip to Regina. Doesn't that seem excessive to you?

Rep. Drovdal: I have not seen a Fiscal Note for \$16,000 and that shocks me too.

Chairman N. Johnson: Maybe I can clarify that. It is counting 9 people here and to send 9 people on a trip and I asked for a fiscal note what would be the expense? They went back and looked at what the cost was. The trip itself was paid from Legislative Management funds so your expenses and cost for gas was paid. This is for \$2500 to be able to host them down here. This is for dinner and gifts down here.

Rep. Drovdal: They included the cost that we did incur before and then added \$2500 more. This is to make it official instead of just a trip.

Rep. Klemin: I don't think the bill reads the way you just described it. The \$2500 general fund appropriation and the rest of the \$16,000 comes out of the Legislative Council budget for travel and going to meetings. I don't read anything in here about the \$2500 being used just for hosting them here.

Rep. Drovdal: On line 11 it does say the president pro tempore and speaker will arrange and host a like meeting by Saskatchewan. That is what I asked for.

Rep. J. Kelsh: You did call me. The fear that I expressed you confirmed when you said how you went through the process of calling. You could have called the minority leader and had him help you find someone to go; then the minority party would have been represented. You did not mention anybody from the minority party. That is still a concern to me.

Rep. Drovdal: Whether I thought about calling them or not the final decision came down to geographical location than anything else.

Rep. Kathy Hogan: Maybe we should say the majority leader and the minority leader or their designee so they would have an opportunity to appoint two of those representatives.

Rep. Drovdal: Your committee can amend this any way you wish.

Rep. Beadle: I support this program. Do we have similar arrangements with our other neighbor to the north?

Rep. Drovdal: The legislature does not. The governor office does and this is the first step. We are the policy making branch and I feel we should be more active working with our neighbors and that maybe a good suggestion that this could grow into.

Rep. Maragos: Rep. Beadle there is a group that meets every biennium that includes Manitoba and North Dakota and so they do get together at this forum.

Rep. Drovdal: CSG has a Canadian American relation that I set on. I think one of the minorities also sets on, but this is more personnel between us.

Rep. Kretschmar: Rep. Drovdal this is the first instance I seen where we propose to put something in the statue about a visit between our state and a Canadian providence. Do you think this would set precedence? There are a dozen other Canadian Providences and 49 other states; 180 foreign counties. Would we have to have a law for each one of those that we want to go to?

Rep. Drovdal: If this is the first one that is great. A law to encourage friendly relations and communications I think would be one of the better laws we pass around here.

Rep. Maragos: We send people everywhere and I think we do that through the Legislative Council. Couldn't that be done under that orphus?

Rep. Drovdal: It still has to go through Legislative Council top get the OK. Montana does have an agreement with the Legislature and the Manitoba parliament similar to this and that is how they asked us to do the same thing here.

Rep. Hatlestad: Our problem is Legislative Management doesn't pay for us to hoist our visitors to therefore I think we need something like this.

Rep. Drovdal: That is right.

Rep. W. Hanson: We currently do pay for when you went up?

Rep. Drovdal: Yes, if we go through the Council before we go up.

Rep. J. Kelsh: concerned about the reason he did not take a minority person.

Rep. Drovdal: The reason I took the people I did was that they were right there and so it was the geographic location, not anything else.

Opposition: No one else there.

Hearing closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1325
February 8, 2013
Job # 18625

Conference Committee

Committee Clerk Signature



Minutes:

Proposed amendment #1

Chairman N. Johnson reopened HB 1325. This is the one for the North Dakota - Saskatchewan legislative exchange. I know it says the fiscal note is \$2500, but at one point we talked about whether we wanted to add gifts to that so I thought in case we add that on and it increases it above \$5,000 we need to get it out today. We have two sets of amendments for it. The first set was handed out by Rep. Drovdal during the testimony. The second set I just passed around. (Proposed amendment #1).

Rep. Koppelman moved the Drovdal amendment; Seconded by Rep. A. Maragos

Chairman N. Johnson: His intent was to knock down the numbers. Not so many people there. Discussion

Voice vote carried.

Chairman N. Johnson: The second amendment was just handed out. It was intended to have them host a diner when they were here so the proposed language on the seconded sheet is saying the purpose of hosting the legislative exchange. This is where the question comes in on the gifts.

Rep. L. Meier: I did check with the Attorney General's office to make sure that we were within the guidelines in the constitution and they did say we were.

Rep. M. Klein Made a Motion to Move the amendment; Seconded by Rep. A. Maragos

Rep. Koppelman: Does that imply that gifts would be an option if it just says costs associated with hosting?

Chairman N. Johnson: I would say yes, but it has to be within that \$2500 range.

Voice Vote Carried.

Rep. Klemin made a motion to delete Section 1 & 3. We can send all kinds of people somewhere without having it in statue. We wouldn't be putting this into law, but we could still have the appropriation.

Motion Made by Rep. Klemin: Seconded by Rep. Kretschmar:

Rep. L. Meier: I agree with Rep. Klemin on his thoughts as well. I don't think this is the direction that we should be going I am not going to support the bill. I do support the amendment.

Rep. Hatlestad: I don't know whether the first section is necessary or not. I think three is. I think now that we are in session that the prime minister of Saskatchewan and his party is interested in coming down this year so I think the money should be available right away.

Rep. Koppelman: If we adopt the amendment it seems to me the bill makes no sense. We would be creating an appropriation for expenses related to Section 1 which doesn't exist anymore. I would submit that the other things that legislators currently attend that are paid for by the Legislative Council budget are in statue. They are to defray the costs already.

Rep. Toman: We are allowed to go to Saskatchewan now and they are allowed to come here now. I am not against having an appropriation to defray costs necessarily but I am unsure why we would need this bill anyway unless we are going to mandate that our members attend the parliament now.

Chairman N. Johnson: There is an exchange and they host us and then we host it now. Rep. Drovdal was saying is that they literally pay for this out of their own pockets when they come down here.

Rep. Koppelman: I think Rep. Drovdal went to the budget section and tried to get money to do this and did receive something, but I would rather have the legislature make that decision than the budget section during the intern so I commend him for bringing the bill forward. I think we need it in law.

Rep. Klemin: I think if we do approve the amendment I just made to delete Sections 1 & 3 we will need to also amend Section 2 to say the legislative hosting provided for under Section 1 of this act we would have to say the Saskatchewan legislative assembly and that would take care of it.

Rep. Koppelman: So the motion before us is to remove Sections 1 & 3.

Chairman N. Johnson: I would that we would have time later since the dollar amount if \$2500 so we could put the correct language that we want to have it say in there. The fiscal note is amended out so it is only the \$2500 to host like a diner here.

Rep. Koppelman: I don't have an opposition to rewording the bill if we can make it better but I would like to see what it is saying.

Rep. J. Kelsh: Couldn't we just change it to may?

Rep. Klemin: I do disagree to putting this into statue that we are having this exchange.

Rep. J. Kelsh: I think we need some reason for the appropriation.

Chairman N. Johnson: I would suggest that the motion and second withdrawn and we will just hold this till next week. Rep. Klemin maybe you could put something together since it doesn't need to go to appropriations.

Rep. Klemin: Withdrew his motion; Rep. Kretschmar: Withdrew his second.

Rep. M. Klein: I think you should look at raising the figure from \$2500 to something more reasonable. Just keep it under \$4000.

Chairman N. Johnson: This would not include motel rooms. This is just hosting a dinner.

Rep. Hatlestad: \$2500 might be a little thin.

Rep. M. Klein: Why don't you move that to \$4000?

Rep. L. Meier: How many days are they down here?

Rep. M. Klein: They came one day and stayed and had a tour of various facilities including the gasification plant and then they went back so it was three days total.

Closed.

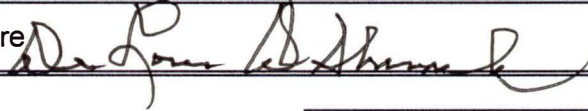
2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1325
February 14, 2013
Job # 18993

Conference Committee

Committee Clerk Signature



Minutes:

Proposed amendment #1

Chairman N. Johnson reopened the meeting on HB 1325.

Rep. Kretschmar: (See Proposed amendment #1). Went over the proposed amendment. I had the legislative council prepare some amendments for me and I think it is OK for us to host visitors to come other places. This amendment would allow the legislative management or its chairman to approve hosting visitors and authorize the majority and minority leaders or their designees to assist in that. I put \$4,000 for the amount from \$2500. I don't think we should put into the statute just hosting visitors from Saskatchewan. It should be any visitors that want to come.

Motion made to move the amendment by Rep. Kretschmar: Seconded by Rep. Koppelman:

Rep. Klemin: My amendment was similar except that it did still mention Saskatchewan so I think I will go along with Rep. Kretschmar.

Rep. J. Kelsh: I think it makes a much better bill when it mentioned that there is a minority here that wasn't mentioned in the other bill.

Voice vote carried.

Do Pass As Amended Motion Made by Rep. Koppelman: Seconded by Rep. J. Kelsh:

Vote: 15 Yes 0 No 0 Absent Carrier: Rep. Ben Hanson

Closed.

FISCAL NOTE
Requested by Legislative Council
01/21/2013

Bill/Resolution No.: HB 1325

- 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.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | \$16,000 | | | |
| Appropriations | | | | | | |

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

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 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).*

This bill allows up to 9 legislators to participate in a legislative exchange with the Saskatchewan Legislative Assembly.

- 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.*

The bill would allow for per diem and expenses reimbursement for up to 9 legislators to participate in a legislative exchange with the Saskatchewan Legislative Assembly.

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.*

The amount shown reflects estimated per diem and expense reimbursement for 9 legislators to attend a legislative exchange in Saskatchewan for 3 days during the 2013-15 biennium.

- 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 is also included in the executive budget or relates to a continuing appropriation.*

The bill includes a \$2,500 general fund appropriation and the 2013-15 Legislative Council budget includes funding for legislators to attend other meetings during the interim; therefore, additional appropriations are not anticipated to be necessary to provide for these expenses.

Name: Allen Knudson

Agency: Legislative Council

Telephone: 328-2916

Date Prepared: 01/23/2013

done

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1325

Page 1, line 1, replace "a North Dakota-Saskatchewan legislative exchange" with "for the hosting of legislative exchanges"

Page 1, replace lines 4 through 12 with:

"SECTION 1. LEGISLATIVE VISITOR EXCHANGE. The legislative management or the chairman of the legislative management may approve the hosting of visitors to the state on behalf of the legislative assembly and may authorize the majority and minority leaders of the senate and the house of representatives or their designees to assist in the hosting of such guests."

Page 1, line 14, replace "\$2,500" with "\$4,000"

Page 1, line 16, replace "travel and expenses related to" with "hosting"

Renumber accordingly

Date: 2-8-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1325

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. Koppelman Seconded By Rep. Maragos

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------|-----|----|-------------------|-----|----|
| Chairman Nancy Johnson | | | Rep. Ben Hanson | | |
| Vice Chairman Patrick Hatlestad | | | Rep. Kathy Hogan | | |
| Rep. Thomas Beadle | | | Rep. Jerry Kelsh | | |
| Rep. Matthew Klein | | | Rep. Naomi Muscha | | |
| Rep. Lawrence Klemin | | | | | |
| Rep Kim Koppelman | | | | | |
| Rep. William Kretschmar | | | | | |
| Rep. Alex Looyesen | | | | | |
| Rep. Andrew Maragos | | | | | |
| Rep. Lisa Meier | | | | | |
| Rep. Nathan Toman | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Druidal Amend. 0658.01001

Vote
Carried!

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

2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1325

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. Klein Seconded By Rep. Maragos

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------|-----|----|-------------------|-----|----|
| Chairman Nancy Johnson | | | Rep. Ben Hanson | | |
| Vice Chairman Patrick Hatlestad | | | Rep. Kathy Hogan | | |
| Rep. Thomas Beadle | | | Rep. Jerry Kelsh | | |
| Rep. Matthew Klein | | | Rep. Naomi Muscha | | |
| Rep. Lawrence Klemin | | | | | |
| Rep. Kim Koppelman | | | | | |
| Rep. William Kretschmar | | | | | |
| Rep. Alex Looyen | | | | | |
| Rep. Andrew Maragos | | | | | |
| Rep. Lisa Meier | | | | | |
| Rep. Nathan Toman | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: See attach #1
Some
Vote
Carried / page 1, line 16, remove
"travel and expenses
related to" and insert
immediately thereafter
"hosting"

Date: 2-8-13
Roll Call Vote #: 3

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1325

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. Klemin Seconded By Rep. Kaatchmar

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------|-----|----|-------------------|-----|----|
| Chairman Nancy Johnson | | | Rep. Ben Hanson | | |
| Vice Chairman Patrick Hatlestad | | | Rep. Kathy Hogan | | |
| Rep. Thomas Beadle | | | Rep. Jerry Kelsh | | |
| Rep. Matthew Klein | | | Rep. Naomi Muscha | | |
| Rep. Lawrence Klemin | | | | | |
| Rep Kim Koppelman | | | | | |
| Rep. William Kretschmar | | | | | |
| Rep. Alex Looyen | | | | | |
| Rep. Andrew Maragos | | | | | |
| Rep. Lisa Meier | | | | | |
| Rep. Nathan Toman | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Delete Section 1+3
Withdrawn

Date: 2-14-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1325

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0658.01003.200^o

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Kretschmar Seconded By Rep. Koppelman

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------|-----|----|-------------------|-----|----|
| Chairman Nancy Johnson | | | Rep. Ben Hanson | | |
| Vice Chairman Patrick Hatlestad | | | Rep. Kathy Hogan | | |
| Rep. Thomas Beadle | | | Rep. Jerry Kelsh | | |
| Rep. Matthew Klein | | | Rep. Naomi Muscha | | |
| Rep. Lawrence Klemin | | | | | |
| Rep. Kim Koppelman | | | | | |
| Rep. William Kretschmar | | | | | |
| Rep. Alex Looyesen | | | | | |
| Rep. Andrew Maragos | | | | | |
| Rep. Lisa Meier | | | | | |
| Rep. Nathan Toman | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Unanimous
Vote
Carried!*

Date: 2-14-13
 Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1325

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0658.01003.2000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Koppelman Seconded By Rep. J. Kelsh

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------------|-----|----|-------------------|-----|----|
| Chairman Nancy Johnson | ✓ | | Rep. Ben Hanson | ✓ | |
| Vice Chairman Patrick Hatlestad | ✓ | | Rep. Kathy Hogan | ✓ | |
| Rep. Thomas Beadle | ✓ | | Rep. Jerry Kelsh | ✓ | |
| Rep. Matthew Klein | ✓ | | Rep. Naomi Muscha | ✓ | |
| Rep. Lawrence Klemin | ✓ | | | | |
| Rep. Kim Koppelman | ✓ | | | | |
| Rep. William Kretschmar | ✓ | | | | |
| Rep. Alex Looysen | ✓ | | | | |
| Rep. Andrew Maragos | ✓ | | | | |
| Rep. Lisa Meier | ✓ | | | | |
| Rep. Nathan Toman | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Hanson

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

REPORT OF STANDING COMMITTEE

HB 1325: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1325 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a North Dakota-Saskatchewan legislative exchange" with "for the hosting of legislative exchanges"

Page 1, replace lines 4 through 12 with:

"SECTION 1. LEGISLATIVE VISITOR EXCHANGE. The legislative management or the chairman of the legislative management may approve the hosting of visitors to the state on behalf of the legislative assembly and may authorize the majority and minority leaders of the senate and the house of representatives or their designees to assist in the hosting of such guests."

Page 1, line 14, replace "\$2,500" with "\$4,000"

Page 1, line 16, replace "travel and expenses related to" with "hosting"

Re-number accordingly

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1325

2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee

Missouri River Room, State Capitol

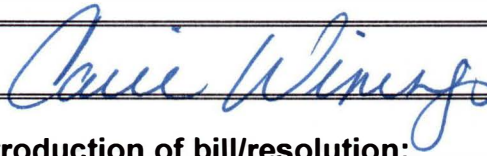
HB 1325

03/08/2013

Job Number 19625

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide for the hosting of legislative exchanges; to provide an appropriation; and to declare an emergency.

Minutes:

Chairman Dever: Opened the hearing on HB 1325.

Representative Drov Dahl, District 39: Testified as sponsor and in support of the bill.

Gave explanation of the bill by going through an example of a meeting that took place with Canada and the circumstance where the bill would be necessary for us to be able to host a group from their parliament.

(3:31) Senator Cook: \$4000 for lunch, you are going to eat pretty well. Do I understand that you have funds already raised for the visit they are going to be doing this session?

Representative Drov Dahl: We do not. We will have to raise it. I have talked to a couple of lobbyists and they have said they would be willing to help. I have not asked them for it. It would be a lot if it is used for just that. It would have to be run through legislative management and I don't foresee that they would use that much money. It would have to be justified. It was \$2500 but it was raised to \$4000 to leave room for other meetings to this assort with other states or provinces.

Senator Cook: After this biennium there is no money left and this is only for two years?

Representative Drov Dahl: That is correct and they would have to come back and ask for it again. They put the ending date in there so that we would have to look at it again in two years.

Senator Cook: We have state tax dollars here, and I have no problem with it, but to what degree if this is a supper should this money be allowed to be spent on adult beverages. Is there any consideration for that? Will management weigh in on this?

Rep. Drov Dahl: That is a good question and there is not a real easy answer to it. I would assume that legislative management, if there were some problems popping up, that they would weigh in on it and say it could not be for any alcoholic beverages. We were not restricted when we were up in Canada and they like to have their drinks with their meal. I am assuming that they would be paying for some alcoholic beverages. I did not want to restrict it because they did not restrict it up there. I know we have responsible and ethical leaders.

Senator Nelson: This says legislative exchanges - there is nowhere in here that says Saskatchewan, Canada. What if we have people coming from the Netherlands to give us a legislative exchange dealing with water; where does it say that it only deals with your meeting with Saskatchewan?

Rep. Drov Dahl: I set out with that on the original bill but that was taken out so it could be used for others.

Senator Nelson: There is a meeting between North Dakota, South Dakota, Minnesota, and Manitoba annually and I think state funds were used for that. That to me is an annual legislative exchange.

Rep. Drov Dahl: When I visited with Legislative Management over this bill and he felt that it was not covered by the Speaker being in charge of it. The other part of the bill that is not in

here is a gift to the visitor. Legislative Management felt it was against the constitution. I still think that as leaders representing the state, we should have something nice and we should not have to pay for it ourselves. I bought gifts for the last meeting out of my own pocket.

Chairman Dever: Does the president pro tem get involved in those kinds of things?

Rep. Drovdahl: He was invited but could not attend.

Chairman Dever: Closed the public hearing on HB 1325.

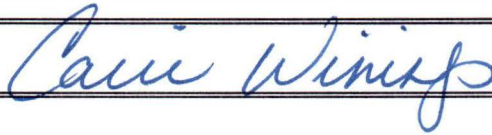
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1325
03/08/2013
Job Number 19641

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened HB 1325 for committee discussion. It seems to me that it is appropriate but I am just wondering if there are enough limitations on it.

Senator Marcellais: I would rather see them pay it and then get reimbursed. That way we narrow it down and they have accountability for what they spent.

Senator Nelson: You would still have to have the money in there appropriated.

Senator Marcellais: I would be nice to know how much they are going to spend. Like Senator Cook said, a \$4000 dinner is pretty good.

Chairman Dever: Your point on alcoholic beverages was interesting, but I would imagine that we should leave something to the discretion of leadership because it would be really unpopular.

Senator Cook: You can have it put on a different bill and pay for it so that it is not even on the hotel bill. You just open up the door for criticism from somebody. A lot of these events it is very easy to get somebody to host the bar tab. I brought 100 people to North Dakota from all over the country and we had great events every night.

Chairman Dever: Do we need time to think about it? Committee confirmed that they would like to put it aside and the committee discussion was closed.

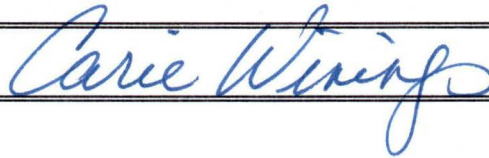
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1325
03/29/2013
Job Number 20686

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened HB 1325 for committee discussion.

Senator Nelson: I don't get the reason for this one. We have had legislative exchanges for years with the legislative forum and we give nice gifts and we get donations for people to sponsor. I don't understand what the problem is here.

Chairman Dever: It seems to me that these visits are not political and I am not sure why we should need this bill to authorize it if it does become necessary.

Senator Nelson: When Senator Cook went places did you take something?

Senator Cook: I never took trips. My thought of this is that it is for a function that is coming up and I think that it is to cover the social events. I think that they could raise the funds and I do not think that state funds should not be used to buy adult beverages.

Senator Nelson: I have seen meetings that have been organized through legislative council but we had sponsors for funding. The forum that we have between the three states and Manitoba is part of the budget to have a nice gift to give to people to take home.

Senator Cook: I would think that if we were going to do something like this, there should be a line item in the legislative budget. The process for approving expenditures under that line item was accounted for.

Chairman Dever: The event is not political, but the solicitation of contributions to support could be.

Senator Nelson: Can we get someone from legislative council to come down and talk to us about this?

Senator Cook: I have the same concerns that Senator Nelson does.

Chairman Dever: Closed the discussion.

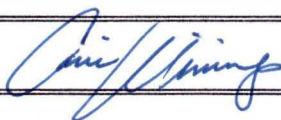
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1325
04/09/2013
Job Number 21034

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened HB 1325 for committee discussion. How we fund these kinds of things otherwise, is it necessary to have an appropriation?

Alan Knutson, Legislative Council: Right now we have funding in the budget for legislators to travel to conferences and thinks like that, but as I understand it, the intent of this was to bring other legislators here and to potentially pay for their costs and provide promotional items and those kinds of things. Right now that is not included in our budget and I don't know that we would have authorization to pay for those things.

Senator Nelson: What I understood the question to be is when guests come and you want to give them a little something as a remembrance of being here, it has been coming out of contributions from the outside or somewhere else, but that is kind of a messy way to do things. When we ran a leadership conference here, the gifts were funded from the general funds that were collected to hold that event. But I do not know how things have worked when we had other things here.

Alan Knutson: In most cases it was private contributions from sponsors and those kinds of things. Those were handled through CSG. They had their own fund. It did not flow through our budget.

Chairman Dever: I think part of our committee discussion is that the event itself is not a political thing but the solicitation of contributions could be.

John Bjornson, Legislative Council: The solicitation of contributions could get into that political area but there is a pretty firm definition of what a contribution is and we speak about contributions that are made for a political purpose and this would not be a political purpose and therefore you are asking for contributions to buy a gift for a visiting dignitary probably would not be something that you would have to report to the Secretary of State as a contribution to your campaign and I don't know of any other ethics type of rule that would require you to report that if you asked a business or someone else to make that contribution.

Senator Nelson: A couple of years ago we had Canadians down here and there was a reception and there were hors d'oeuvres and pins that were given - did we reciprocate at all? When the Governor has someone come in, does he give them something for having come? How do we handle these?

John Bjornson: I don't know either. There are a couple things to keep in mind. We have this provision in the Constitution that says that the state or a political subdivision cannot give gifts. That is kind of troublesome with respect to these types of things. OMB has developed some policies that allow basically promotional items and they have a policy that allows agencies to promote the state and they have been generally accepted under that policy. We have been asked if a visiting dignitary is an issue that raises the constitutional questions. It is always difficult to say. Our Supreme Court a couple of years ago came down pretty hard on an agency head who gave trinkets or gift cards either to employees or others. After that, two sessions ago you passed a bill that allowed some exceptions in the law because we had questions on service gifts and retirement gifts. Now we have statutes that authorize those and say that it isn't a gift pursuant to the constitutional prohibition on giving gifts. It is a gray, murky area.

Senator Cook: Governor Hoven gave a North Dakota commemorative quarter when he spoke to the streamline sales tax group - I suppose that was a monetary gift. How about adult beverages? Do we need to be concerned about state money being spent on alcohol?

John Bjornson: I am not aware of a statute that would prohibit a state entity from purchasing some alcoholic beverages. We do have certain statutes that come into play. OMB's policy is prohibitive of the purchase of alcoholic beverages. Under state statute, it is rather silent on that. The thing that comes into play in part is whether it is an appropriate expenditure of public funds. The idea of this bill and the discussion of amendments to carve out an exception to any type of statutory or constitutional restriction there might be to entertain visitors as part of an exchange is difficult.

Senator Marcellais: We recently had the Medal of Honor recipient here and I bought him an eagle. I did not get reimbursed for it. Would I get reimbursed under this bill? The Governor gave a flag and I am sure the state paid for it.

Chairman Dever: Not under this bill. It sounds that the cleanest thing for us to do is pass the bill and I do not have a problem with the bill.

Senator Marcellais: I am opposed to the bill.

Senator Cook: I can flip a coin.

Senator Marcellais: If there is alcohol provided and someone gets killed because of a drunk driver or in an accident, is the state liable?

Senator Cook: That was more than the point I brought up.

Senator Nelson: I don't see what is prohibiting Section 1 now. The legislative management chairman can do about what he wants to do.

Senator Nelson: Moved a Do Not Pass.

Senator Marcellais: Seconded.

Senate Government and Veterans Affairs Committee

HB 1325

04/09/2013

Page 4

A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.

Senator Nelson: Carrier.

FISCAL NOTE
Requested by Legislative Council
02/15/2013

Amendment to: HB 1325

- 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.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

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

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 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).*

This bill allows for the hosting of a legislative visitor exchange.

- 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.*

The bill allows for the hosting of a legislative visitor exchange. The fiscal impact is estimated to be less than \$5,000.

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name: Allen Knudson
Agency: Legislative Council
Telephone: 328-2916
Date Prepared: 02/18/2013

FISCAL NOTE
Requested by Legislative Council
01/21/2013

Bill/Resolution No.: HB 1325

- 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.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | \$16,000 | | | |
| Appropriations | | | | | | |

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

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 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).*

This bill allows up to 9 legislators to participate in a legislative exchange with the Saskatchewan Legislative Assembly.

- 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.*

The bill would allow for per diem and expenses reimbursement for up to 9 legislators to participate in a legislative exchange with the Saskatchewan Legislative Assembly.

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.*

The amount shown reflects estimated per diem and expense reimbursement for 9 legislators to attend a legislative exchange in Saskatchewan for 3 days during the 2013-15 biennium.

- 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 is also included in the executive budget or relates to a continuing appropriation.*

The bill includes a \$2,500 general fund appropriation and the 2013-15 Legislative Council budget includes funding for legislators to attend other meetings during the interim; therefore, additional appropriations are not anticipated to be necessary to provide for these expenses.

Name: Allen Knudson
Agency: Legislative Council
Telephone: 328-2916
Date Prepared: 01/23/2013

Date: 4/9

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1325

Senate Government and Veterans Affairs 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 Senator Nelson Seconded By Senator Marcellais

| Senators | Yes | No | Senator | Yes | No |
|-----------------------------|-----|----|----------------------------|-----|----|
| Chairman Dick Dever | | ✓ | Senator Carolyn Nelson | ✓ | |
| Vice Chairman Spencer Berry | | ✓ | Senator Richard Marcellais | ✓ | |
| Senator Dwight Cook | ✓ | | | | |
| Senator Donald Schaible | ✓ | | | | |
| Senator Nicole Poolman | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Nelson

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

REPORT OF STANDING COMMITTEE

HB 1325, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1325 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1325

#1

13.0658.01001
Title.

Prepared by the Legislative Council staff for
Representative Drovdal
February 1, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1325

- Page 1, line 5, remove ", the majority leader in the house of representatives,"
- Page 1, line 6, replace "and the majority leader in the" with "and the president pro tempore of the"
- Page 1, line 8, replace "majority leaders" with "president pro tempore"
- Page 1, line 8, remove the second "legislative"
- Page 1, line 9, replace the first "assembly" with "house of representatives"
- Page 1, line 9, after "by" insert "the"
- Page 1, line 9, replace the comma with "and"
- Page 1, line 9, replace "legislative assembly" with "senate"
- Page 1, line 9, remove "house"
- Page 1, remove line 10
- Page 1, line 11, replace "leader" with "president pro tempore"
- Page 1, line 11, replace "majority leaders" with "president pro tempore"
- Re-number accordingly

#1

PROPOSED AMENDMENTS TO HB 1325

Page 1, Line 16 remove "travel and expenses related to" and insert immediately thereafter "hosting"

1

13.0658.01003
Title.

Prepared by the Legislative Council staff for
Representative Kretschmar
February 12, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1325

Page 1, line 1, replace "a North Dakota-Saskatchewan legislative exchange" with "for the hosting of legislative exchanges"

Page 1, replace lines 4 through 12 with:

"SECTION 1. LEGISLATIVE VISITOR EXCHANGE. The legislative management or the chairman of the legislative management may approve the hosting of visitors to the state on behalf of the legislative assembly and may authorize the majority and minority leaders of the senate and the house of representatives or their designees to assist in the hosting of such guests."

Page 1, line 14, replace "\$2,500" with "\$4,000"

Page 1, line 16, replace "travel and expenses related to" with "hosting"

Renumber accordingly