2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1365

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee

Fort Union Room, State Capitol

	HB 1365 January 31, 2013 18121
	Conference Committee
Committee Clerk Signature	Carmentart

Explanation or reason for introduction of bill/resolution:

Relating to travel reimbursement for members of the legislative assembly.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on HB 1365.

Rep. Jerry Kelsh appeared as a sponsor of this bill. **Attachment 1.** After redistricting, I was called to attend a lot of different meetings around the district. Wahpeton isn't in our district. Two thirds of Richland County is and all their meetings are in Wahpeton. That is exactly 100 miles from where I live. We get the same \$440 that everyone else gets per month. This bill would allow someone in the district that has over 1,000 square miles, if invited to a meeting and attends with a signed statement from the person that invites you that you were there, to ask for 50% of the state rate reimbursement for mileage. This has nothing to do with during campaign time. Attachment 1 shows that there are 15 districts that have 10 square miles or under, and there are 5 of those that are under 5 miles. The district I live in, District 26, is 2,700 square miles. \$440 gets eaten up rather quickly if you consider the rate of reimbursement in the state right now is 51 cents. This is a fairness issue. This would be turned in at the end of the month and you would have to have a voucher and a document that said you were invited and signed by the person that invited you that you attended.

Rep. Vernon Laning You also have the provision that you can only voucher for trips in excess of 20 miles from your residence?

Rep. Kelsh Yes.

Rep. Ben Koppelman Of all the districts that have larger populations, there is often times where legislators live in the county seat or one of the towns where forums and other events might be held, and some people live very rural. Do you think that each person kind of selects where they live based on where they live to some extent? For example if it is in the town within the district or not, it is within your district that you are traveling in most of the time. Some people would argue that when you run in a rural district, you know that going in. What do you say to that?

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Rep. Kelsh Yes, we do know that. That is why I left the 20 miles in. If they live in the center of the district, they aren't very often going to be eligible for any additional travel. Every 10 years these rural districts increase in size. If we are going to make these districts so large, we need to reimburse people so they go to these meetings. People out there really do expect us to be at the meetings.

Rep. Karen Karls Could this be open to abuse or charges of abuse?

Rep. Jerry Kelsh If I was in Wahpeton and wanted to go to Fargo, no, I would not be reimbursed to go to Fargo, but I would be reimbursed from back home to Wahpeton. I think that would be nit picking if somebody saw you on the golf course after the meeting was over.

Rep. Vicky Steiner Did you consider an additional amount because in a way it is an open amount? We don't really know how many people would use it. Some people go to a lot of meetings and some people go to very few. It is hard to estimate what the total appropriation might end up being.

Rep. Jerry Kelsh I did think of that. I thought this was fair with all the documentation you need to get this extra money. I don't know how you would come up with the different amounts for the different sized districts.

Rep. Gail Mooney Is a large part of this driven by our current rate for a tank of gas?

Rep. Jerry Kelsh Yes. When you drive 200 miles to a meeting, basically that is a half tank of gas. Right now ten gallons is \$32.

Rep. Gail Mooney The Century Code is probably pretty old and the price of gas was probably not what it is today.

Rep. Jerry Kelsh This is kind of updating. We are expected and should be expected to serve our constituents. I don't mean it to be self-serving. That is why I put the 20 miles in there.

Rep. Marie Strinden How much would you say that you spend every session or biennium on gas?

Rep. Jerry Kelsh I would guess between the election and the start of the session, the \$400 would have been very easily spent on the gas.

Vice Chair Randy Boehning If you are going to a government function requested by them, it is easy documentation. I agree it is expensive. We can't keep taking out of our pockets and need to pursue.

Rep. Jerry Kelsh Basically it is township meetings, county commission meetings which are sometimes held in Wahpeton, school things, and social service things.

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Rep. Steven Zaiser Does this include going to an extended part of your district to campaign?

Rep. Jerry Kelsh What I said was from the time the election was over June 6 or 7 until the session started, I had been asked to be in Wahpeton twice and Lisbon twice. No, I would not want campaigning included in this in any way, shape, or form.

Chairman Jim Kasper If you were called to a meeting where you would say I want my reimbursement, would that make you officially sort of like on active duty as a legislator or what would be the impact there? Would it simply be the reimbursement side because we are reimbursed every month so we are always on active duty so to speak?

Rep. Jerry Kelsh I would think we are always on active duty. I know when we are on business that we are asked to be on as a legislator, whether it is an interim committee meeting or whatever, we are covered by workers' safety and insurance.

Chairman Jim Kasper Anytime we are going to a meeting or an event where we have been asked to be there by the entity because we represent that legislative district in an official capacity, this would be when this would apply?

Rep. Jerry Kelsh Yes. I want to reiterate this has nothing to do with campaign expenses.

Chairman Jim Kasper This has nothing to do with traveling outside of your district?

Rep. Jerry Kelsh Other than like for example, the meetings in Wahpeton. Our district ends about 12 miles out of Wahpeton. Wahpeton is the county seat. That is where they hold their meetings. I would hope that would be included in our travels as far as the district is concerned, because it is on our district business.

Chairman Jim Kasper I think the bill might have a little bit of a problem. It reads on Line 13, travel to any meeting or function within the member's legislative district. If we expand it outside of the district, here is where I see the potential problem. Let us say we include outside of our member's district. All of us get called to meetings outside of our district that might be 50, 100, or 150 miles from home. Would we be opening it up to that potential?

Rep. Jerry Kelsh I would hope not. If you are asked to go 50 or 100 miles out of your district, it is not for your constituents. It is for someone else's constituents or another group that asked you to represent them.

No opposition.

Hearing was closed.

Chairman Jim Kasper I think this bill needs a little bit of work in the area of Rep. Kelsh wanting to be able to go near his district on official business for people who decided to hold the meeting in Wahpeton.

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1365 February 7, 2013 Job # 18559

Conference Committee

Committee Clerk Signature

Minutes:

Proposed Amend#1

Chairman Jim Kasper reopened the committee meeting on HB 1365.

Rep. Mooney: (See proposed amendment #1). Went over the proposed amendment.

Rep. Zaiser: This will affect us in rural areas where we are contagious to another district, but we have to cross that district and go to another district.

Chairman Jim Kasper: We have to have a district of 1,000 sq. miles or larger so our Fargo districts would all be exempt.

Rep. Boehning: The meetings would be for political subdivisions, school districts, county commissions, townships and those sort of meetings and not just informational meeting with other organizations?

Rep. Mooney: I don't think it was specified. It would be specific to work related positions.

Rep. Steiner: I am not comfortable with this. I would like to see a dollar amount. I think the public would feel that it was a political function and you are trying to get reelected. I think it is too open for me. I would have preferred just\$500 gas money. Then we know that if all of them went to every meeting they ever got invited to we know what the dollar amount is to the state.

Chairman Jim Kasper: Per year?

Rep. Steiner: Yes per year or whatever and that is it.

Rep. Rohr: You could base it on the square miles of a district.

Rep. Ben Koppelman: The bill is fine. I think we need to put a not to exceed amount.

Chairman Jim Kasper: Rep. Steiner gave us a chart for 1,000 sq. miles and it would be 18 districts that would qualify. That is 54 legislators X \$100 = \$5,400 over.

House Government and Veterans Affairs Committee HB 1365 February 7, 2013 Page 2

Motion Made to Move the amendment by Rep. Ben Koppelman: I would propose a maximum of \$200/year per legislator. Seconded by Rep. Steiner

Voice vote carried.

Chairman Jim Kasper: Now we have the amended amendment 13.0682.01001 before us.

Rep. Zaiser moved the amended amendment; Seconded by Rep. Steiner

Voice Vote Carried.

Do Pass As Amended on HB 1395 and Rerefer to Appropriations by Rep. Mooney; Seconded by Rep. Strinden

Vote: 9 Yes 5 No 0 Absent Carrier: Rep. Steiner

Closed.

FISCAL NOTE Requested by Legislative Council 02/12/2013

Amendment to: HB 1365

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			\$21,600		\$21,600	
Appropriations			\$21,600		\$21,600	

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 legislators in districts comprised of more than 1,000 square miles to claim additional travel expense reimbursement.

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.

This bill allows legislators in districts comprised of more than 1,000 square miles to claim 50 percent of the travel expense reimbursement rate for state employees for eligible travel within the district, of up to \$200 per year. Eighteen legislative districts comprise more than 1,000 square miles; therefore, the 54 legislators in these districts could claim additional reimbursement for eligible travel within the district at 50 percent of the travel-related rates set by the Office of Management and Budget for state employees.

- 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.

For the 2013-15 biennium, based on 54 legislators claiming the maximum additional travel reimbursement for eligible travel within their districts, Legislative Assembly expenditures would increase by \$21,600. The amount would be the same for the 2015-17 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.

Additional appropriation authority for the Legislative Assembly would be needed for the additional estimated expenditures as discussed above.

Name: Allen Knudson Agency: Legislative Council

Telephone: 328-2916

Date Prepared: 02/13/2013

FISCAL NOTE Requested by Legislative Council 01/21/2013

ill/Resolution No.: HB 1365

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	General Fund Other Funds		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 legislators in districts comprised of more than 1,000 square miles to claim additional mileage reimbursement.

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.

This bill allows legislators in districts comprised of more than 1,000 square miles to claim 50 percent of the mileage reimbursement rate for state employees for eligible travel within the district. The fiscal impact cannot be determined; however, 18 legislative districts comprise more than 1,000 square miles. The 54 legislators in these districts could claim additional mileage reimbursement for eligible travel within the district at 50 percent (28.25 cents per mile) of the mileage rates set by the Office of Management and Budget for state employees which is currently 56.5 cents per mile.

- 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.

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Name: Allen Knudson Agency: Legislative Council Telephone: 328-2916 Date Prepared: 01/23/2013 13.0682.01002 Title.02000

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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1365

Page 1, line 13, remove "for which the"

- Page 1, line 14, replace "member submits a voucher and which is" with "or to a meeting or function that is outside the member's district but which is located within a county that includes at least a portion of that member's district. A member of the legislative assembly is entitled to reimbursement under this subdivision only if the meeting or function is"
- Page 1, line 15, after the underscored period, insert "<u>The reimbursement a member receives</u> under this subdivision may not exceed two hundred dollars per year."
- Page 1, line 15, replace the second "the" with "submitting a"
- Page 1, line 15, after "voucher" insert "for the travel"

Page 1, line 16, replace the second "the" with "an appropriately authorized"

- Page 1, line 17, after "who" insert "represents the entity that"
- Page 1, line 17, after "function" insert an underscored comma

Renumber accordingly

			Date:2 Roll Call Vote #:	7-13	
	ROLL	CALL	IG COMMITTEE OTES 0. <u>1365</u>		
HouseGovernment and Veterans	Affairs			Comr	nittee
Check here for Conference Co	ommitte	e			
Legislative Council Amendment Num	ber _				
Action Taken: Do Pass	Do Not	Pass	Amended Add	opt Amen	dment
Rerefer to Ap	propria	tions	Reconsider		
Motion Made By <u>Rp. Koppul</u>		<u> </u>	,		
Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper Vice Chairman Randy Boehning			Rep. Bill Amerman Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Marie Strinden		
Rep. Karen Karls			Rep. Steven Zaiser		
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Gary Paur					
Rep. Karen Rohr					
Rep. Vicky Steiner					
Total (Yes)		N	0		
Absent					
Floor Assignment					_
If the vote is on an amendment, brie	fly indic	ate inte	nt:		

Joine Vote. Vote. Over

			Date: <u>2-7</u> Roll Call Vote #:	-13	
	ROLL	CALL V	IG COMMITTEE OTES D <i>J 3(S</i>		
House Government and Veterans	Affairs			Comn	nittee
Check here for Conference Co	ommitte	e			
Legislative Council Amendment Num	ber _	13-0	10010.0182.01001		
Legislative Council Amendment Num Action Taken: Do Pass	Do Not	Pass	Amended Adop	t Amen	dment
Rerefer to Ap	propria	tions	Reconsider		
Motion Made By R. p. 3) Se	conded By R.g. St.	ine	N
Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chairman Randy Boehning Rep. Jason Dockter			Rep. Gail Mooney Rep. Marie Strinden		
Rep. Karen Karls			Rep. Steven Zaiser		
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Gary Paur					
Rep. Karen Rohr					
Rep. Vicky Steiner					
Total (Yes)			0		
If the vote is on an amendment, brief	fly indic	ate inte	nt:		

Joine Site. correct

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1200

Date: _______ Roll Call Vote #: _____3

House _Government and Veterans	Affairs			Comr	nittee
Check here for Conference C	ommitte	e			
Legislative Council Amendment Nun	nber _				
Action Taken: Do Pass	Do Not	Pass	Amended Add	opt Amen	dment
Rerefer to Ap	propria	tions	Reconsider		
Motion Made By Moone	ч	Se	conded By String	len	
Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper		2	Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	く	
Rep. Jason Dockter	S.	×	Rep. Marie Strinden		
Rep. Karen Karls	X		Rep. Steven Zaiser	X	
Rep. Ben Koppelman	Ý	X			
Rep. Vernon Laning		X			
Rep. Scott Louser	X	· ·			
Rep. Gary Paur	4				
Rep. Karen Rohr		\prec			
Rep. Vicky Steiner	7				
Total (Yes)	9	N	° <u>5</u>		
Absent	;	2A	0		
Floor Assignment	_S.	len	ler	,	

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

REPORT OF STANDING COMMITTEE

- HB 1365: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1365 was placed on the Sixth order on the calendar.
- Page 1, line 13, remove "for which the"
- Page 1, line 14, replace "member submits a voucher and which is" with "or to a meeting or function that is outside the member's district but which is located within a county that includes at least a portion of that member's district. A member of the legislative assembly is entitled to reimbursement under this subdivision only if the meeting or function is"
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- Renumber accordingly

2013 TESTIMONY

HB 1365



District Po	pulation Dev	viation Dev	viation % Size	Sq. miles
1	14395	85	0.59%	10
2	14657	347	2.42%	4980
3	14626	316	2.21%	144
4	14081	-229	-1.60%	5072
5	14129	-181	-1.26%	7
6	14294	-16	-0.11%	4488
7	13919	-391	-2.73%	44
8	14175	-135	-0.94%	2436
9	13937	-373	-2.61%	936
10	14393	83	0.58%	3198
11	14781	471	3.29%	4
12	13706	-604	-4.22%	12
13	14862	552	3.86%	8
14	14431	121	0.85%	5782
15	13697	-613	-4.28%	2335
16	14897	587	4.10%	6
17	13894	-416	-2.91%	54
18	13929	-381	-2.66%	89
19	13812	-498	-3.48%	1588
20	14314	4	0.03%	1449
21	14728	418	2.92%	4
22	14838	528	3.69%	982
23	14455	145	1.01%	3527
24	14156	-154	-1.08%	2225
25	14469	159	1.11%	679
26	14021	-289	-2.02%	2705
27	14014	-296	-2.07%	32
28	13729	-581	-4.06%	4817
29	13629	-681	-4.76%	3857
30	14689	379	2.65%	36
31	14844	534	3.73%	4258
32	14541	231	1.61%	5
33	14279	-31	-0.22%	2360
34	14439	129	0.90%	11
35	14787	477	3.33%	4
36	14084	-226	-1.58%	3029
37	14301	-9	-0.06%	7
38	14093	-217	-1.52%	362
39	14806	496	3.47%	8581
40	14257	-53	-0.37%	172
40	14668	358	2.50%	4
42	14000	-309	-2.16%	3
42	13906	-404	~2.82%	3
43	14213	-97	-0.68%	3
44	14213	265	1.85%	179
45	14575	320	2.24%	5
40	14030	520	2.24/0	J

47	14510	200	1.40%	
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13.0682.01001 Title.

Attachment 1

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

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1365

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