

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2255

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2255
1/27/2017
Job Number 27521

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to bill introduction limits.

Minutes:

No Attachments

Chairman Poolman: Opened the hearing on SB 2255.

Chairman Poolman: Testified to explain the bill since prime sponsor was not available. We will leave the hearing open for Senator Campbell to come and testify. I am only a co-sponsor on this bill. The bill limits the number of bills a legislator can introduce. I do not know if 7 is the number if there even is a number, but I do think we need to have a discussion about prioritizing issues in the legislature and saving ourselves some time. Many other states have different ways of minimizing the number of bills that end up in front of committees and in front of the Senate or House as a whole. Whether they essentially bury them in committee or the chairman decides that they are not going to hold a hearing. In North Dakota we are unique because every bill has a hearing, and goes to the floor for a vote. After the opening headlines of the legislative session and these bills that are making headline that are not necessarily the priority of the people of North Dakota. I think it does quite a bit to hurt the reputation of the legislature as well. I think it is worth discussion in terms of how we get legislators to prioritize the issue that are important to voters.

(2:10) Senator Meyer: What is the average number of bills per legislator per session?

Chairman Poolman: I would guess we could get that from legislative council.

Senator Bekkedahl: if you do the math it turns out to be an average of 5-6 for about 800 bill.

Senator Vedaa: Do you feel what will happen on this is that this a way to approach new legislators and ask them to carry the bills.

Chairman Poolman: I do. I think if you have a district where you have a number of constituents who are coming to you looking for a certain bill that people in that district are

going to have to look around to one another. That is why I question if 7 is the number. Is it higher than that? Maybe there isn't a number. Maybe this just prompts a conversation about prioritizing. Maybe some legislators take the hint. I can tell you that since we have fewer education advocates in the Senate this go around, I have had to take on bills from a senator that did not win re-election and another senator that has had open heart surgery so I am over 10. This is the first time I have been anywhere near that and I do not feel that I can carry that many bills well. That I can give the kind of attention needed to the ones proposing the bill as well as shuffling that bill through. Senator Campbell caught me on a day that I was overwhelmed by the number of bill and I thought that it is not just about prioritizing issues, it is also making sure that the issues that we do bring forth do get the proper attention as they are shepherded through the session.

Senator Meyer: What is the current limit?

Chairman Poolman: There is not a limit. Asked for any additional testimony and there was none. Suspending the hearing so that Senator Campbell can return and testify. We will have it scheduled so that those interested can come and testify.

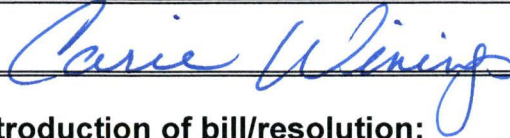
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2255
2/9/2017
Job Number 28093

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to bill introduction limits.

Minutes:

Attachments: 1

Chairman Poolman: Re-Opened the hearing on SB 2255.

Senator Campbell, District 19: See Attachment #1 for testimony to explain and in support of the bill.

(6:55) Senator Meyer: I believe HB 1397 that is over in the House that would limit the executive and judicial branches from introducing any bills and then if we had a limit, could you see this becoming an issue if they had to start tracking down lawmakers to introduce a bill for them? They may have to choose a freshman lawmaker because one with more experience might be maxed out even though they would rather have one with more experience.

Senator Campbell: I considered that with the agency bills, but after the agency people talked to me about it, they really converted my thinking. I think we need that, especially in some of the committees that I am in. A lot of them are cleaning house and it just eliminates them from going to a legislature. Originally, I wanted to eliminate the agency bills but after speaking to some of them I felt that it was important for them to still have that available to them. I wanted to keep it simple.

Senator Bekkedahl: The agency bills would go forward under your scenario. My question goes to the practice of putting sunset clauses on bills. Usually they are 2 year sunset clauses and that means that if it is an important bill you would have to place one the next session to deal with it; that takes up some of the room in the hopper. I agree with what you are doing here, but the decision I have to think about is placing sunsets and how they fit in the total number of bills.

Senator Campbell: Worst case scenario you could go to another colleague in the Senate or the House. I would also force all of us to prioritize our bills. That could also be a tool in your

box with those asking you to sponsor a bill by telling them you will consider it but you will get back to them after you look at the requests that you have. There are lots of ways around that. Most of those are agencies and they could do it too.

Senator Bekkedahl: This does not change the timetable for bill introduction that we currently have does it?

Senator Campbell: That would be all subjected to the bills of each house and they can change those as well. This is only a limit on the number of bills. If nothing else, I just want to send a message that we need to think about the number of bills we are submitting. We are laughed at in some of the things that we are submitting and I don't like that because I respect the process.

Senator Bekkedahl: So the period of time that we have currently for pre-filed bills would count in that total correct?

Senator Campbell: That is correct.

Chairman Poolman: I signed on to your bill because I can relate this session being over that 7 bill limit. But, it is not because I wanted to be. We lost a couple of legislators and I ended up taking on bills that would not have been ordinarily mine. Is that something that you would visualize as falling into this exception that you put in there that the legislature can provide a process to authorize the introduction of additional bills to address extraordinary or emergency circumstances?

Senator Campbell: Absolutely. There is also the delayed bill process. It gives flexibility to the leaders to grant exceptions. I put in 7 this year and I had to turn some away. It was hard to say no, but some of them were not even in my district. I could have talked to someone and asked them to help out. It is hard to say no, and I think this would be a tool to prioritize and be able to no.

Senator Vedaa: I am wondering if this could give a value to bills. To where someone could use a bill as a political tool for bargaining.

Senator Campbell: Do you mean positively or negatively?

Senator Vedaa: (Gives example) Could you use it for political clout?

Senator Campbell: You could look at it that way. I just don't think it will be a problem. You have to remember that a far majority of us that only have a few bills. I think it was around 50% had 0 or 1. Most of the people in appropriations have none. You can probably count the ones that run around with a suitcase full of bills with two hands. This really will not change much and it will send a message. When I first started I felt like I needed to get some bills and now my attitude is that we need to work toward less government and less regulation. I think that is what our North Dakota voters want, at least from my corner anyway. I agree we have had too many. We had 10,000 bills in 10 sessions and that is just ridiculous. I don't think it is right. It is not our purpose. This is a little step to reign us back in.

(16:30) Senator Bekkedahl: I am over the limit as well. Last session I did 7 bills as a freshman and I figured out that is a load. If you do the bills justice, it is a difficult process to even handle that 7 that I had last session. Now, I have 10. I think the reason that I have that many is because one of my partners in the other chamber doesn't want bills introduced there and wants them introduced first in the Senate. That is a process that is also going on here. Do you know how to address that? Is that what your bill is trying to do?

Senator Campbell: No, it is not. That was debated on. I do not want to play that political game. It is just for everyone. If you look at the map, there are a lot states that limit their House bills but the Senates do not. I did not want to go down that path. I wanted to keep simple and limit everyone to 7. Every one of us is legislating for 14,000 people in the Senate and the House is really half that, but I did not want to go down that road.

Chairman Poolman: You did reference doing justice to the bills, and I can vouch for that – doing justice to the people you are trying to represent with your bills is very difficult once you are over that. I am feeling overwhelmed by trying to do right by the people I am advocating for. It is hard to keep track of all that is necessary to do justice.

Senator Campbell: Think about the staff. Every single amendment goes through the 13 step process. It has opened my eyes to the process and I appreciate the process more.

Chairman Poolman: We are unique in North Dakota in that every bill gets a hearing and goes to the floor for a vote. It would be an interesting issue to study in terms of what each state does. Other states have different ways of making their process go faster. The problem we are trying to address here is probably addressed in addition to or instead of bill limitations. It would be interesting to broaden our scope to take a look at that too.

Senator Campbell: In essence, from my perspective, this is pigeon holing. This is nothing new. For our population, we do not need 10,000 bills in 10 sessions.

Senator Bekkedahl: I have 3 bills that were drafted and not filed, does this address that? Does this bill limit the opportunity to get bills drafted?

Senator Campbell: No, there were 300 bills were drafted that never were filed. It is only the number filed. In all fairness these are pretty fair numbers.

Chairman Poolman: Looking at the numbers, it is interesting that with each session the bill total goes up and the pass rate goes down.

Senator Campbell: This year we have about 75 to 100 less bills.

Chairman Poolman: No further testimony present. Closed the hearing on SB 2255.

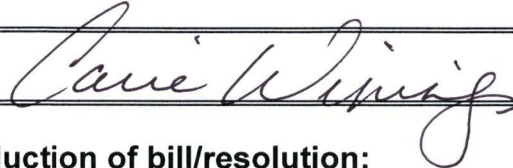
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB 2255
2/9/2017
Job Number 28108

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to bill introduction limits.

Minutes:

No Attachments

Chairman Poolman: Opened SB 2255 for committee discussion. I am interested in the other states and how they mitigate the work load. I think we should study this idea. I don't know what the rest of the committee thinks. The amount of bills seems to be increasing and it would be interesting to study it.

Senator Marcellais: After I thought about what Senator Campbell was saying, we have two representatives in the same district so that is 21 bills per district that we could introduce. I talked to my representative and one turns in bills and the other one does not have any. There is that leeway there too. That is quite a few bills.

Chairman Poolman: Then some of us are running mates that are at the 23 mark on the other side.

Senator Vedaa: I could see a roadblock in this for now and in the future for minority parties. They might have a problem with the number of people they have and the fact that they then would be bound by that 7 each. I can see that being an issue. The majority party could change someday.

Chairman Poolman: I did not think of that. It does proportionately limit the amount of ideas that the minority party can bring forth.

Senator Vedaa: That is where I think the 7 that I did not use up can now turn into be used as a bargaining chip.

Senator Meyer: I see the merits in both. I think there is good and bad. When you do have someone who has 20 plus bills sponsored, they are doing their committees a disservice too

because they are constantly out. They are not helping make the decisions on their own committee.

Senator Bekkedahl: I agree totally with that. I have talked to people that know some of these parties that have 20 plus bill, and we are talking about a few people here. I do not want to limit their opportunities but at the same time they are telling me they are never in committee. I find the discussion in this committee, and every committee I have been in, extremely valuable. I really appreciate the opportunities to interact with committee and I cannot make decisions without that myself. I need the input. I was not too favorable to this bill until I heard Senator Campbell speak about it. I would not mind the whole legislature taking a look at it but if you want to do a study, I think that should be discussed with Senator Campbell as well.

Senator Vedaa: If you think about each person having 7 bills in a district, maybe people would start working a little better too. Now, as a district, you have got to use the other two in the district. You are giving a disservice to your committee when you are out presenting bills all the time.

Senator Marcellais: I know Minnesota is full time legislators and we are only here every two years. They don't have limits but they have more time to introduce bills.

Senator Bekkedahl: They also have staff.

Chairman Poolman: What are the committee's wishes? Do you want to think on it a while or would you like to act on the bill?

Senator Vedaa: Moved a Do Pass.

Senator Meyer: Seconded.

Chairman Poolman: Discussion?

Senator Marcellais: I will support the bill because there might be some cost savings involved based on the number of hours that are put into a bill.

Senator Meyer: I think a study could be a good option. Looking at the cost of bills etc.

Senator Bekkedahl: I am thinking that if we pass it out of here, and it gets to the floor with that recommendation, I would talk to Senator Campbell about having a floor amendment ready to turn it into a study if need be but that is difficult to do.

A Roll Call Vote Was Taken: 3 yeas, 2 nays, 1 absent.

Motion Carried.

Senator Vedaa will carry the bill.

Date: _____
Roll Call Vote #: _____

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 27

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

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

Motion Made By Vedaa Seconded By Meyer

[illegible]

Total (Yes) 3 No 2

Absent

Floor Assignment Vedaa

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

REPORT OF STANDING COMMITTEE

SB 2255: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)
recommends **DO PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).
SB 2255 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

SB 2255

Senator Poolman & Committee members:

Thank you for giving me an opportunity to explain my bill limiting seven bills per legislator.

I believe in limited government, less regulation & less laws. I don't think we need 1200 bills each session and I will explain my position how we should take a close look at limiting the legislative volume in an effort to hold down administrative costs without effecting our Democratic process of hearing the people voice.

Since our entire State and all Departments have to cut their budgets I think the Legislature should consider it as well. Visiting with Legislative Council I came up with some estimated costs of what we spend for an average bill. Last session even though 795 bills were written, approximately 300 were not introduced and abandoned and another 300 were duplicates= about 1400 drafted. At \$80,000 cost per day to run legislature it costs on average about \$4600/bill.

As you can see in my attachment there are currently 16 states with some sort of bill restriction limits while North Dakota still has no limits.

Regarding the opposing question if limiting bills, will cause limiting peoples ideas and limiting democracy? I believe allowing 7 bills/ legislator still allows ample flexibility to ensure us hearing their concerns.

When I was first elected, I was told by many in my district 19, for every

bill you introduce you have to remove two, I think a limit of seven is a fair start and just don't feel we need to invent 800 to 1200 new laws session after session. Just think about it for a moment that is a huge amount of new laws, in ten sessions that is an awesome amount of about 10,000 new laws! Look at the data below for ND, the average bills is only 4 or 5 that each legislator introduces.

An additional hidden or forgotten cost is for all the citizens who have to drive to give testimony. Two days of lost work, 500 miles of travel and one night of hotel to testify would not be uncommon for some of the longer distances such as my district.

I know how I have come to appreciate legislative Council more then ever. When I see a bill, I realize all the behind scenes and weekend hours someone spent drafting, changing and amending the bill for our approval.

I have allowed provisions for emergencies of exceptions.

Thank you

Senator Tom Campbell

SB 2255 2-9-17 #1 pg 2

Tom,

We prepared some information to your question regarding the cost of a bill. Because we are still drafting bills this session, we do not have the totals to compare with previous sessions. However, I expect it to be comparable to 2013 and 2015. This is what we were able to do:

Although we do not allocate Legislative Council or Legislative Assembly costs to various efforts, such as the cost of drafting legislation and the cost of the legislative process for a bill, I can provide the following information regarding the process and the number of bills prepared:

Review of the Process:

1. Legislator makes a request-generally takes limited staff time;
2. Staff assigned prepares a bill draft- can take from several minutes to hours or days, depending upon complexity of the draft and the amount of research necessary;
3. Bill draft is second headed by either Legal Division Director(John B) or Fiscal Director(Allen),or both,- can take from several minutes to hours;
4. Director review- generally takes several minutes;
5. Proofing and Editing Process- can take from several minutes to hours;
6. Copying and preparing final version of the draft-several minutes
7. Delivery of document to requestor-several minutes;
8. Revision(if requested)- can take from several minutes to hours or days;
9. Bill Introduction;
10. Assignment to committee;
11. Committee hearing, debate, possible amendment and recommendation- can take from several minutes to hours or days;
12. Floor action- can take from several minutes to hours;
13. Second house action- can take from several minutes to hours or days;.

Legislative Council staff is involved throughout the process after introduction, including amendments, enrolling and engrossing, Session Laws, and Century Code updates.

Bills and Resolutions information:

BILL DRAFT COMPARISONS- 2011, 2013 AND 2015 SESSIONS

	2011	2013	2015
Total Bill and Resolution Drafts Requested	1,186	1,206	1,328
Total Bill Versions(revisions, amendments)	5,449	5,703	5,811
Total Bills and Resolutions Introduced	933	927	942
Total Bills and Resolutions Passed	583	546	537
Pass Rate %	62.5	58.9	57.0

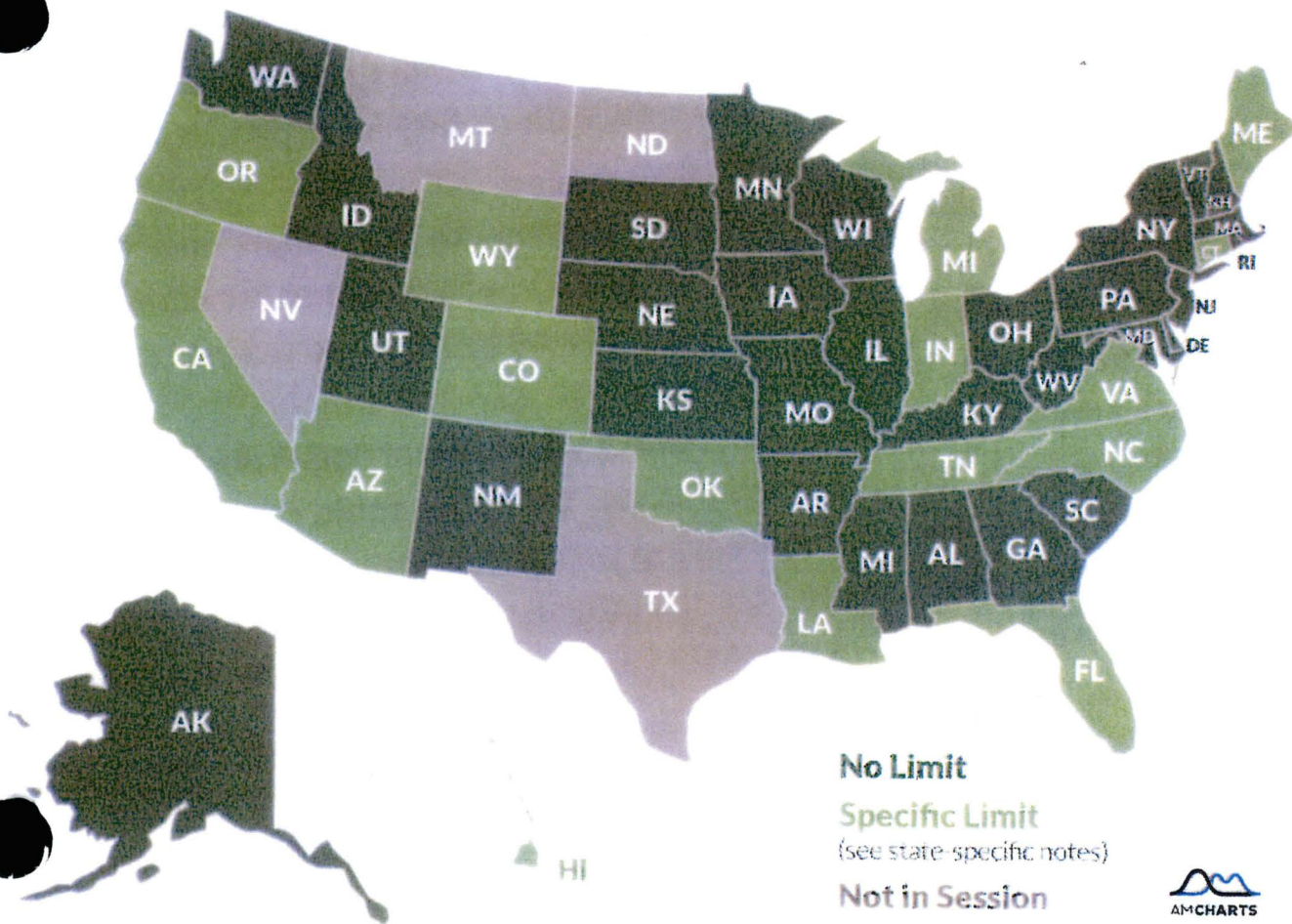
LEGISLATOR PRIME SPONSOR STATISTICS

	2011	2013	2015
Average Number of Bills Introduced by a Legislator	4	5	5
Lowest Number of Bills Introduced by a Legislator	0	0	0
Maximum Number of Bills Introduced by a Legislator	24	22	23

John Bjornson
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SB 2255 2-9-17 #1 pg3

Which states limit the number of bills legislators can introduce in 2016?



- AZ** No limit until the fourth day of session, then limited to 7 bills.
- CA** 40 bills over the biennium.
- CO** 5 bills.
- CT** In even years, no limit. In short-session odd years, only committees can raise bills.
- FL** 6 bills in the House; no limit in the Senate.
- HI** 10 bills in the House, with Chairs getting 10-15 bills and an additional 5 short form bills. No limit in the Senate until a set deadline (deadline hasn't been set yet), then 5 bills after that.
- IN** In the House during a short session, no more than 5 bills. In the Senate during a short session, no more than 10 bills or resolutions.
- LA** Unlimited pre-files, but after pre-filing period, may introduce 5 bills.
- ME** Although legislators can request as many bills as they wish, in even numbered years those bills can only be introduced if approved by the Legislative Council (a committee of legislators).
- MI** Legislators must request bills that are then subject to approval. Legislators can approve 5 bills per month and then any approved bills can be introduced.
- NC** Limits outlined at the start of session each year.
- OK** 8 bills in the House. No limit in the Senate.
- OR** Generally limited to 2 bills (see details here: <http://tinyurl.com/p99wtdg>).
- TN** 15 bills in the House. No limit in the Senate until the 2nd Thursday of the session; after that date, limited to 9 bills.
- VA** Unlimited prefiles, then a 5-bill limit in the House during session and an 8-bill limit in the Senate during session.
- WY** During a budget session, House limit is 5 bills and Senate limit is 3 bills. During a non-budget session, there is no limit in the House and a limit of 9 in the Senate.

Where did these limits come from? Legislatures are likely trying to limit the legislative volume in an effort to hold down administrative costs and to help ensure that legislators are able to give each bill its due attention. They've been around for awhile, too—the National Conference of State Legislators reports that bill introduction limits have existed for decades, with Nebraska appearing to begin the trend in 1971.

The activity levels of...lawmakers who flood the system with legislation have become controversial in the Capitol. It costs an average of \$4,000 to introduce and process a bill, critics say, so the record 6,394 measures introduced during the 1983-84 legislative session cost taxpayers more than \$25 million.

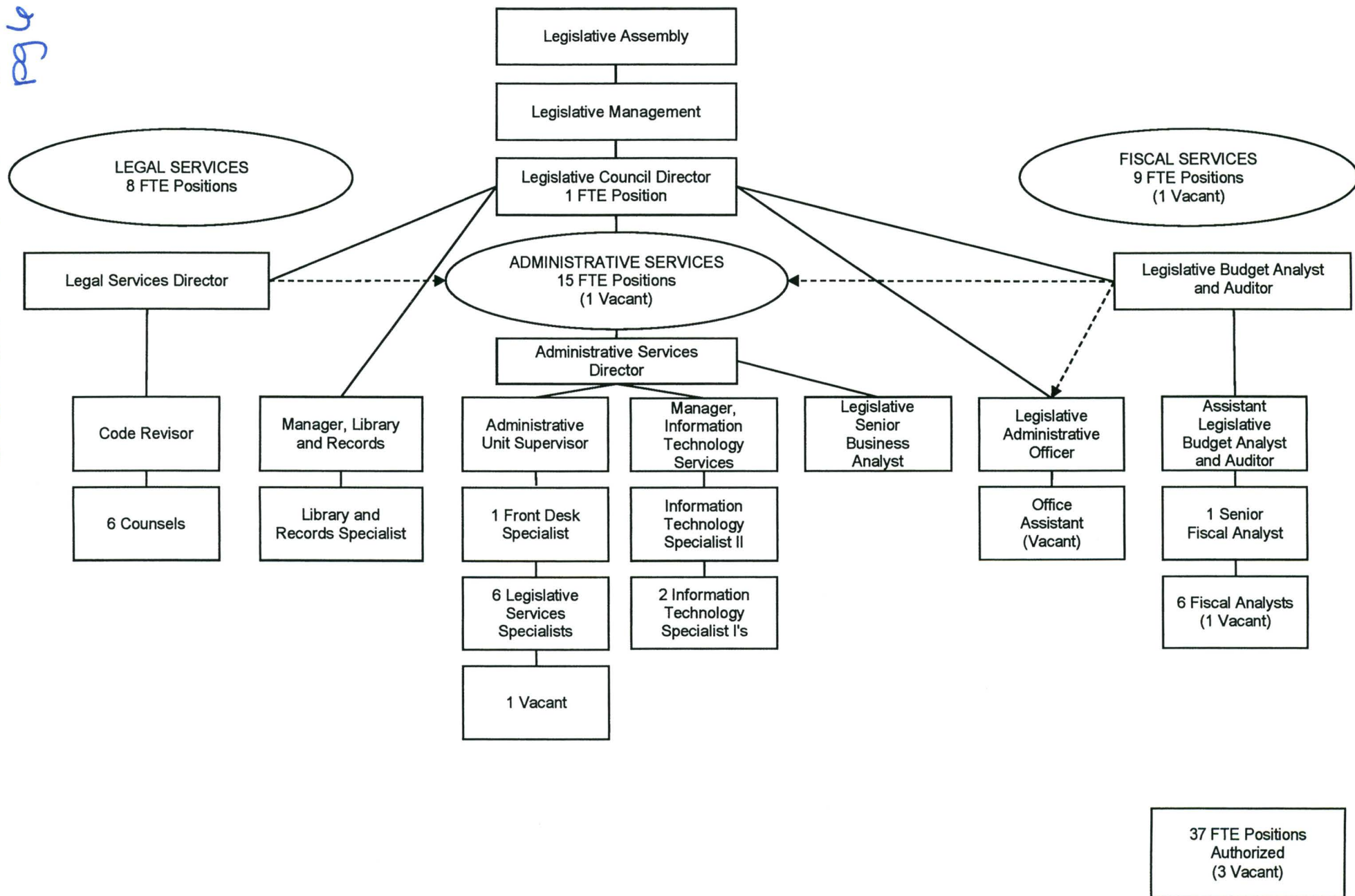
These costs will have only gone up in the last thirty years. An article from the *Wyoming Tribune Eagle* from 2011 reported that per bill costs could range from \$453 to \$39,795, with the dollar value increasing with the length, complexity, and controversy of the bill. (It's important to note that these costs will necessarily vary by state, given the differing legislative procedures, salaries, and other factors that vary by state).

you know that some states limit the number of bills state legislators can introduce? State limitations can change from year to year, so we've gathered the data on per-legislator bill introduction limits for the upcoming 2016 legislative session.

Thirty states have no limit on the number of bills that lawmakers may introduce for 2016, while sixteen states have established some kind of restriction. Check out the map below to see how your state compares. (We've excluded the four states that don't have a regular session scheduled in 2016.)

LEGISLATIVE COUNCIL ORGANIZATIONAL CHART

#1 pg 4
 SB 2255 2-9-17
 See BC



of Authority

----- Input and Assigned Oversight Responsibilities

January 17, 2017