

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1557

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1557

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 1/29/2009

Recorder Job Number: 8114

Committee Clerk Signature

Melissa M. Erhardt

Minutes:

Chairman Grande: Open the meeting. Clerk read the bill.

Rep. Wolf: Represent District 3 in Minot. I am here today to introduce to you HB 1557. It is the yearly session bill which I think comes up every session. This year I get the privilege of being the prime on it because no one else would take the lead so I decided I would. In my research on this bill I noticed that every member of this committee voted against it last session, with the exception of Rep. Winrich and Rep. Conklin. Think I am on an uphill battle on this one and I am the only one who voted in favor of it on our committee last session. Why did I do this? 1. I listened to the appropriations members in my caucus discuss the difficulties they are having with the current budget. In March of 2008 our agencies were required to put together their budgets and turn them into the Governor for inclusion or exclusion from his budget overall. We are doing a budget in March of 2008 to project what these agencies are going to need for fines from July 2009 to July 2011, that is a long stretch. I can't even do that with

my own personal budget and my own personal budget is nowhere near that of the State of ND, and I have a steady income. Looking at the complexity of our budget, it seems to get more complicated and more complex each year, with the volatile prices of oil right now, I don't know how they are going to be able to do this. 2. Candidate recruitment, to get people to run for office. Asking people to move to Bismarck for four months, that's a lot. I am fortunate, I have a job that will allow me to take four months off. A lot of people cannot do that. For example: Sen. Hacker stated that he was not running for re-election because it was too difficult to be gone from his job for four months. If you honestly look around our chamber I don't think our House of Representatives or Senate is an accurate representation of the people of ND. We have a pretty general group of people in our chamber. Older than the age of 40, which I am, and usually retired, and I am not picking on any of those people but I still don't think that is an accurate representation of our State. Think by being able to meet every year in a shorter period of time would be better for people to (inaudible) , better for them to serve, and give them a wider variety of people here. I think that is what our state needs. Change is always a hard thing and as I get older I realize that as well. I would like to see us give it a shot. If we don't like it we can always change it back. Our constitution says we are limited to eighty days in a biennium, it does not say 80 days every other year. This bill proposes that we meet each year.

But I did not dictate the length of each year. I would like to leave that up to the people we elect for Legislative Council. If we could crank this session up about 10 notches and save some of those work days and then come back next year and re-look at budget items, the amount of bills, the limits, and other things. I think we should leave the limits to the Legislative Council.

There is a Fiscal Note on this bill and all they did was they figured out what it cost per day. There were 77 days at \$58,000 per day times 3 days per biennium.

There really isn't any more cost because we are allowed to use up to 80 days.

Rep Dahl: What do you envision the role of the policy committees to be? This legislation says they should meet for primarily budget adjustment purposes so what would the policy committee's be doing? Why did you include that language if we would carry on as we do now?

Rep. Wolf: What I am envisioning is there is a limited policy bill. That would limit the bill (someone coughing) by LC. They would decide we can hear X amount of bills or limit each legislator to only put in so many bills. What I don't want to happen is to have another full-blown huge session, because we are going to be limited on the amount days we are going to be here. So I limited it to that, specifically for the budget and then whatever that group decides that we will be able to hear.

Rep Meier: Isn't this addressed in the Constitution? Wouldn't this have to be a constitutional revision?

Rep. Wolf: No. Our Constitution says 80 days every biennium and it would not require an amendment. It doesn't say 80 days every other year, it just says 80 days each biennium.

Rep. Kasper: So many things that occur in the legislative session have policy and appropriations intertwined, and that's one of the reasons I think this works so well is because when you are doing the appropriations part of it you are also doing the policy part and you mesh them together as the session goes on. You need time to work through that. We have 25 on the appropriations committee, we have 94 in the legislature and the house, so there is 70 of us that are going to be sitting around wasting our time, for the most part, while the appropriations committee works on their part of the budget, and then we have to come and vote once a day. Don't see where that is productive at all or see where it helps us make better legislation by splitting up duties and fracturing a session that seems to work pretty well now.

Rep. Wolf: I respectfully disagree. I have heard in so many of my committee hearings this past couple of weeks from people testifying saying: "I'd like to try this and this is what we are proposing" but if it's not the intended effect or not working quit right we got this other provision in this bill to stop so that when we

have to wait for two years to come back then we can fix it. I have heard that over and over in my committees the last couple of weeks. That is why I left the part in about the limited policy work so that the 70 some of us are not sitting around twiddling our thumbs. There will be some policies dealt with as well. To fix or correct something it states that we don't have to wait the two years to come back and fix an unattended consequence.

Rep Kasper: Many times you don't know the consequences in six months or a year of legislation. It needs time to work its way through to see what the consequences are. I certainly could not disagree with you more.

Rep Boehning: Do you see us going to an annual budget then, is that what the proposal is, or do you see us tweaking it every year?

Rep Wolf: Don't think we need to go to an annual budget, it's more for the tweaking, it doesn't have to evolve. Like everything else that's new, there is going to be bumps in the road, there is going to be challenges, there is going to be struggles, but it is an evolving process. As with anything, that changes.

Rep Boehning: Looking at this going to an annual session, meeting two months every year, it seems like we are going to become more of a full-time legislature because it is going to take time to get us into it, we are going to have to have staff that will be available for two months, versus four months, then go back to their regular jobs. If we are going to go down this road then we will be in

committee hearings throughout the summer , more and more things during the interim. It will seem like we will be living in Bismarck more than we are already. Because we are going to be studying more things, new ideas, and investigating and stuff, this would bring us more into a full-time legislature I do believe. That's my opinion.

Rep. Froseth: I could see this possibly working in Unicameral type legislature like NE has. But if you have a system like we have, it just takes longer to move the bills through the process and be heard on both sides. Probably the shortest period of time we could do this in would be eight to ten days or two weeks. I don't think that would eliminate any time from the regular session because that still has to go through the same process and we are not eliminating any bills we are just reviewing them on an annual basis rather than a bi-annual basis. Did you research that and see what we could actually get done?

Rep. Wolf: I don't envision the even number of sessions just to be a few days. That is impossible, we would get nothing done. There is not time. For example if we went the full 77 days, this session, like we did last session, three days to get there. We won't be able to do it. That's why what I am envisioning is pushing the bills through. We could work a little harder and a little longer and get the bills pushed through, that we need to push through, and shorten the amount of time, in the odd numbered years to leave days in the even numbered years. We are

one of five states that meets every year. We are not the only state in the country that has detainers.

Rep. Amerman: Just for my clarification, on page 2, line 4, is it supposed to read or did you want it to read "The legislative assembly shall adopt rules and so on" . To me the legislative assembly are all the representatives. Is it supposed to be the assembly or the legislative council?

Rep. Wolf: It should say Legislative Council.

Rep. Boehning: How long does it take a bill to be introduced in the House and go to the hearings, and then gets passed and sent to the Senate and have their hearings, and then gets sent back over. Do you know the time line, the minimum we would need for legislative days to go through the whole process of hearings, without conference committees?

Rep. Wolf: I don't remember. I know that we are statutorily required to give so much notice for hearing dates and things. I knew that answer last session. But I can find out and let you know.

Chairman Grande: Anyone else in favor of this bill? Oppose? Neutral? Hearing is closed.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One HB 1557

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 01/29/2009

Recorder Job Number: 8181

Committee Clerk Signature

Melissa M. Erhardt

Minutes:

COMMITTEE WORK ONE:

Chairman Grande: We will take up HB 1557. Well, Legislators all I can say is nothing personal, but I have no desire to come back here unless it is every other year.

Rep. Meier: We do try to provide nicer weather though.

Rep. Winrich: I have a great deal of sympathy for this bill. I think the arguments about trying to budget for such a long period of time are entirely valid. I don't know, I guess I haven't really looked into this, but ND must be about the only State with this kind of a restriction on the number of days that we can meet. I know a few years ago when I was a Legislator I made sort of an official visit as a Representative from ND to the House of Representatives of Massachusetts. I was talking with one of the members there and we were talking about various things and I said we were constitutionally limited to meeting for 80 days every two years. The Representative from Massachusetts said that's interesting we

can't adjourn for more than ten days. They have to meet at least once every ten days all the time. It is sort of interesting how different political systems put constraints on their Legislatures. One of the main reasons I am concerned about this and why I support an idea along this line is that I think that we are doing a disservice to the people of ND. We don't really have adequate hearings on a lot of these bills. It is a tremendous burden on a lot of these people getting here and testifying on bills and so on, in the short time span that they are made available. In many cases, we try not to limit the hearing time but we end up doing it inadvertently sometimes. I think that we need to look for a better system and I think this is one of those.

Chairman Grande: Rep. Wolf did you find out anything as you were doing any research on this as to what other States do?

Rep. Wolf: I have not even looked into that part of it yet, I was busy on the floor and the only thing I can tell you is that we are one of five States where the Legislature meets every other year. Arkansas and Oregon were the two most recent ones who used to meet every other year and now have gone to annual sessions. We are one of five that is left.

Rep. Dahl: With respect to what Rep. Winrich was talking about, I think that maybe this bill would actually make it worse. Unless you change the constitution, that 80 days stays the same and then we become more limited in what we do.

When we would meet regularly and it would be only more hectic and the hearings would be shorter. I agree with you that we probably should look at what we are allowed to do constitutionally but until then am not sure this solves the issue and could actually exacerbate it.

Rep. Froseth: With this fiscal note on here to, it is based on the cost of \$16,000 per day while the Legislature is in session. But there is start-up costs associated with this if you are going to handle a shorter session. They rent most of these copy machines and different equipment around the Capital building. They are not owned by the State or permanent. I believe they at least lease or rent most of them. Plus all the staff you have to bring in and get hired and get on board to even operate a full session has been quite a challenge, let alone a 10 day session. Also, I believe that LC has the authority to make budget adjustments during the interim and transfer money. The Governor has the authority to spend the money if it is necessary.

Chairman Grande: If we were to adjourn here after 70 days and had 10 days left and we didn't sign out we would have the ability to call ourselves back in. As long as we have three days or more.

Rep. Froseth: That is not considered a special session?

Chairman Grande: It is not. We had that a couple sessions ago when we knew we were going to get called back.

Rep. Wolf: I believe you are exactly right. As long as we adjourn and do not sign out, according to LC we can do that. Secondly, there is a group, with what Rep. Froseth was saying, wish I could remember, Rep. Kroeber told me, it is the Governor and two other people that can do a mini-session between the three of them. When we went so far over our transportation budget when gas was four dollars a gallon they convened and spent a lot more money on that transportation. That is kind of what got me into doing this. It was never in the paper, I didn't know anything about it, and we are elected to do those types of things.

Chairman Grande: But we as a Legislative body have set it up that various have various abilities to do these types of things. That is why we have extensive administrative rules too. We have 1557 in front of us?

Vice Chairman Randy Boehning: Move Do Not Pass.

Rep. Karls: 2nd.

Chairman Grande: Discussion, Seeing none, clerk will call the roll.

Clerk Erhardt: Called the roll. Yes: 10, No: 3, Absent: 0. Carrier: Rep. Froseth.

FISCAL NOTE

Requested by Legislative Council

01/20/2009

Bill/Resolution No.: HB 1557

1A. 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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$174,000		\$174,000	
Appropriations			\$174,000		\$174,000	

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

House Bill No. 1557 requires the Legislative Assembly to reconvene each even-numbered year for budget adjustment purposes.

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 requires the Legislative Assembly to reconvene each even-numbered year for budget adjustment purposes; however, the bill provides that the Legislative Assembly may not exceed its maximum allowed 80 days for both the regular and reconvened sessions. Each legislative day the Legislative Assembly is in session is estimated to cost approximately \$58,000.

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.*

N/A

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 budget request for the Legislative Assembly for the 2009-11 biennium includes funding for a 77 legislative-day 2011 session. The amounts shown are the estimated costs for an additional 3 legislative days to provide for a total of 80 legislative days for the 2009-11 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 appropriation for the Legislative Assembly for the 2009-11 biennium would need to be increased by \$174,000 from the general fund to provide for a total of 80 legislative days for the 2009-11 biennium.

Name:	Allen H. Knudson	Agency:	Legislative Council
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Phone Number: 328-2916

Date Prepared: 01/21/2009

Date: 1/29/09
Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1597

House **Government and Veterans Affairs**

Committee

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Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep. Boehning

Seconded By Rep. Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning	✓		Rep. Conklin		✓
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich		✓
Rep. Karls	✓		Rep. Wolf		✓
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 10

No 3

Absent 0

Floor Assignment Rep. Froseth

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

REPORT OF STANDING COMMITTEE

HB 1557: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).
HB 1557 was placed on the Eleventh order on the calendar.