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3054

2007 HOUSE CONSTITUTIONAL REVISION

HCR 3054

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HCR 3054**

House Constitutional Revision Committee

Check here for Conference Committee

Hearing Date: 2-22-07

Recorder Job Number: 3624

Committee Clerk Signature

*Diane Ham*

Minutes:

**Chairman Koppelman:** Opened the hearing on HCR 3054.

**Vice Chairman Kretschmar:** This resolution makes a major change in our legislative process ... it does 3 things ... #1. it provides that the legislature, in the biennium could meet for 85 days, rather than the current number, at 80 days. It also mandates a session in each calendar year of the biennium ... in the odd number year the session would be 60 days and the even numbered years would be limited to 25 days. I have to confess that I plagiarized the new language that is on Lines 5-7 of Page 2, I incorporated it from the South Dakota constitution which has been in annual sessions since 1968 or 1969. I was listening to a news report from South Dakota ... they were going to reconvene after President's Day and they said there were 12 days left in their session. The 3<sup>rd</sup> change in this resolution, if it were approved it would not take effect until January 1, 2013, which would allow the legislative assembly to set up the procedures to follow in this new situation. I've served in this legislative assembly when the constitutional limit was 60 days and we got the job done in 60 days ... we never went over. The 80 days was put in around 1980 or 1982, the deadlines can be adjusted to do the work in 60 day session. It's a philosophical thing ... if you want annual sessions, this is a vehicle for it.

**Representative Dahl:** Are we the last state to only meet every 2 years?

**Vice Chairman Kretschmar:** I think there are 6 or 7 states ... the largest of them is Texas and they are almost continually in special session. South Dakota is the state nearest to us that does it and they have a 40 day session this year and a 35 day session in the even number years so they have a total of 75 days in the biennium.

**Representative Klemin:** What would be the reason we would want to do this, what's wrong with the 80 days every other year?

**Vice Chairman Kretschmar:** I think things come up during the biennium that the entire legislature should be looking at or approving and I've felt that way for quite awhile. I believe one of the reasons that this has never been done in North Dakota is that our budget meets quarterly ... we passed one bill in the House this session in which the legislature was giving authority to the budget section to spend money. I think we're getting a little close to authorizing a non legislature to be a legislature. There have been other instances over the last several years where things like that have been done and never challenged in our courts so there's no ruling on it. I believe it's coming close to giving more authority to our budget section then we should be giving them ... doing things that the entire legislature should be doing.

**Representative Klemin:** What do you perceive as the types of business that would be done in the short session?

**Vice Chairman Kretschmar:** Basically, I think it would be the adjustment of budgets or something that came up quickly. I would imagine, if there had been a session in 2006 we'd have had the bill about the disruption of military funerals.

**Representative Klemin:** From the examples your giving, it seems to leave it wide open as what to do in those 35 days.

**Vice Chairman Kretschmar:** That would be up to the legislative procedures and rules, to determine what or how many bills could be introduced.

**Representative Klemin:** You have 60 and 25, why not 45 and 45?

**Vice Chairman Kretschmar:** If this committee wants to amend those numbers, they're just arbitrary, I just stuck them in here ... I would have no objection.

**Representative Klemin:** So there really isn't a reason for the 60 and 25?

**Vice Chairman Kretschmar:** My thinking, when I had the resolution drafted was, 60 had been historically the life of the legislative session and then the 25 would be sufficient time to the work in the even numbered years.

**Representative Meier:** Can you tell the committee how the South Dakota legislature works their even number years?

**Vice Chairman Kretschmar:** South Dakota, I believe, is on an annual budget .... one of the things that's different is that the Appropriations Committee is a joint committee, so the Appropriations hearings get only one hearing.

**Representative Conrad:** You have 85, why not leave it at 80?

**Vice Chairman Kretschmar:** If this committee felt that 80 was a better number, I would have no objections.

**Representative Conrad:** It would seem to me that for the voters ... that would make it a 2 issue on the ballot .... the 85 and the 2 sessions.

**Vice Chairman Kretschmar:** Maybe it would be better to say 80 days in the biennium, and let the legislative assembly decide how many days you'd want to meet each year.

**Representative Conrad:** With the budget situation we have right now, to limit ourselves to every 2 years is not allowing us to respond. Do we currently have *(can't understand)?*

**Vice Chairman Kretschmar:** We have a provision in the law that the legislature can call itself back into session to use up what's left of the 80 days, then if there's any further need for the legislature to act, it can only be done by the Governor calling a special session.

**Chairman Koppelman:** A clarification, earlier only the Governor could call a special session.

**Representative Conrad:** Do we have to do something at the end of this session to call us back?

**Vice Chairman Kretschmar:** Legislative Council would make that decision.

**Chairman Koppelman:** The session would be adjourned *seinie die* (spelling?), which I understand means, with no definite date to reconvene.

**Vice Chairman Kretschmar:** At least 2 or 3 times since I've been in, we've been called into special session by the Governor, and most of those times it was *(can't understand)* after you see the descending census is suppose to completed by the Department of Congress April 1<sup>st</sup> of the year that ends in zero ... so it will be April 1<sup>st</sup>, 2010, then there isn't enough time. In fact,

I don't think they actually do the certification on the numbers until the end of that year. Historically, we've met the next year, but there hasn't been enough time.

**Chairman Koppelman:** Any further testimony in support, opposition ... if not we'll close the hearing on HCR 3054.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3054

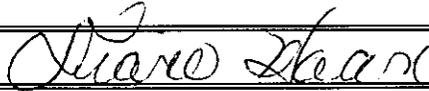
House Constitutional Revision Committee

Check here for Conference Committee

Hearing Date: 2-26-07

Recorder Job Number: 3916

Committee Clerk Signature



Minutes:

**Chairman Koppelman:** We'll take a look at HCR 3054 ... this is Rep Kretschmar's proposal for annual sessions.

**Vice Chairman Kretschmar:** I would like some discussion from the committee on the days. I support the concept of annual, but I'm not convinced that the number of days in the resolution are the right numbers. I'm hoping we can discuss how many days in each year.

**Representative Klemin:** I have a problem with the fact that we're coming close to 80 days now with the session and the point of the short session is to be able to make adjustments, etc (with appropriations). I don't see how we're going to get our other work done in 60 days ... we're getting into the 76, 77 days and to shorten us down to 60 days ... I just don't see how it would be possible.

**Representative Owens:** I agree with Representative Klemin ... I was thinking along the same lines. I'm assuming that if we change the days from 80 days to 60 days, certain rules and requirements of the way legislature operates would change as well.

**Chairman Koppelman:** There's a huge disparity among legislatures in our region.

**Vice Chairman Kretschmar:** I think many of us are geared to 80 days in the biennium right now. The provision is that this will not go into effect until 2013, which would give time for a

change in the procedural system. I put a delayed effective date on bill, so that the legislative assembly can try to work those issues out.

**Representative Dahl:** We try to have a diverse legislature (*can't understand*). Some of the legislators currently have trouble because of their employers and time off for every 2 years and I would think it could be harder if it were every year.

**Representative Klemin:** Rep Kretschmar, do we have an Organizational Session (*can't understand*)?

**Vice Chairman Kretschmar:** That's in the constitution already.

**Representative Klemin:** In a 25 day session, would it have no limitation?

**Vice Chairman Kretschmar:** Those issues need to be determined by the legislative assembly.

**Representative Meier:** Does the South Dakota legislature elect a new speaker every session?

**Vice Chairman Kretschmar:** I believe they elect a speaker every 2 years, but I'm not certain ... and I believe the same majority leader. Five of us visited South Dakota in 2006

**Representative Conrad:** If I understand ... the legislature could do this now?

**Vice Chairman Kretschmar:** That is correct.

**Representative Conrad:** I have sympathy with what Rep Kretschmar is trying to achieve here and we could do it now.

**Vice Chairman Kretschmar:** I would like the committee to decide ... should we go 85 days in this resolution or leave it at 80?

**Representative Owens:** Maybe 90 days would be better.

**Vice Chairman Kretschmar:** The committee could think about 90/30.

**Representative Klemin:** What about 40/40?

**Chairman Koppelman:** If we were going to increase the days and meet annually ... that would be 2 ideas.

**Representative Griffin:** Relating to Representative Dahl concern regarding business and legislature ... I'd rather see a longer period in one year, then a short period the following year for appropriation, etc.

**Chairman Koppelman:** Personally, I'm very undecided about this right now so I'm open to suggestion.

**Representative Conrad:** I think we should have an annual session ... I don't think we're going to get it through the legislature ... leadership will kill it before it gets to the floor. I would **move that amendment for an annual session ... 80 days**

**Chairman Koppelman:** We have a motion, is there a second?

**Representative Griffin:** I second it

**Chairman Koppelman:** We'll have a voice vote on the **amendment to go from 85 to 80**

**Voice Vote Motion Carries**

**Representative Conrad:** I move the amendment that we go 60 and 20 Some people say they don't like to be away from work 2 years in a row, but I also think, especially with the development of the *(can't understand)* and maybe it's because I come from Minot and you hear about it all the time but that oil is there and it's coming out of the ground and I think we need to have at least 20 days where we correct that budget. The price of oil was \$61 on Friday and our budget is budgeted for \$50 and \$40 ... I want to correct that.

**Chairman Koppelman:** This is bringing more discussion then I thought ... let's deal with this as a separate issue. **We have a motion to change 25 (Page 2, Line 7) to 20.**

**Representative Schneider:** I'll second that

*(conversation I couldn't hear or understand)*

**Representative Griffin:** If we moved to a 70/10, do you think the 10 days would be enough to pass anything meaningful?

**Representative Klemin:** Regardless of that, what do we do during the time Appropriations is meeting ... until they come to us with something we can vote on?

**Representative Owens:** We won't have to worry about that, there'll be plenty of people bringing bills.

**Chairman Koppelman:** If we were to narrow the scope of the current session and try to make it a little shorter and then not be afraid to call a second session ... I'm very open.

**Vice Chairman Kretschmar:** We could say in the constitution that there's to be a session in each calendar year, but let the legislature determine the details ... it would have to say 80 days.

**Representative Owens:** If we never knew when or how long, Representative Dahl's concern would be magnified.

**Voice Vote on motion to changing the 25 to 20      Motion Carries**

**Vice Chairman Kretschmar:** I move a **DO PASS AS AMENDED**

**Representative Griffin:** I second it.

**Roll Call Vote Taken**

**Chairman Koppelman:**    **Motion Failed**      **Yes 3      No 6      Absent 0**

**Representative Meier:** I move a **DO NOT PASS AS AMENDED**

**Representative Dahl:** I second it.

**Representative Owens:** I think it's a good idea, I just don't like what we've done with the amendment now.

**Chairman Koppelman:** You can further amend if you wish. If not we'll

**Call the roll on a DO NOT PASS AS AMENDED on HCR 3054**

**Yes 5 No 4 Absent 0 Motion Prevails**

**Carrier Representative Schneider**









**REPORT OF STANDING COMMITTEE**

**HCR 3054: Constitutional Revision Committee (Rep. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 13"

Page 1, line 6, replace "twenty-five" with "twenty"

Page 1, line 10, replace "amendments" with "amendment", replace "sections" with "section", and remove "and 13"

Page 1, line 11, replace "are" with "is"

Page 1, line 23, remove the overstrike over "~~eighty~~" and remove "eighty-five"

Page 1, line 25, remove the overstrike over "~~eighty~~" and remove "eighty-five"

Page 2, line 7, replace "twenty-five" with "twenty"

Page 2, remove lines 10 through 31

Page 3, remove lines 1 through 13

Renumber accordingly