

2013 HOUSE POLITICAL SUBDIVISIONS

HB 1441

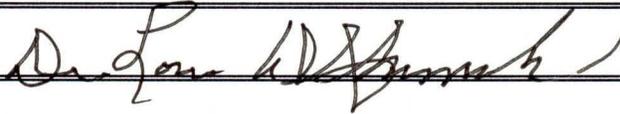
2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1441
February 14, 2013
Job # 18994

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the membership of the legislative management.

Minutes:

Chairman N. Johnson: Opened the hearing on HB 1441.

Rep. Schatz: Introduced the bill. It deals with doubling the size of legislative management. I feel we need to call agencies in the interim if things are not being taken care of the way it should be. I believe they can do that already. Doubling the size of it might or might not help but it could. We need to look at who is on the legislative management. I believe the House and Senate can decide for themselves how they are going to conduct those elections. I know that the chairman of committees; many of them are not on legislative management and it might be a nice idea to start looking at having them on there. After the session we have twenty months and if we have situations that need to be made it is easy to forget if something is wrong. It would give more legislators an opportunity for leadership and knowledge. I enjoy being in the legislature, but it takes some time to understand what goes on around here. Especially the financial end of it and it is a small group that gets to meet and understand the workings of the legislative management. It would give the legislature more visibility too. We had a bill up to have annual sessions and that was voted down. I understand why that looks bad, but if we can't have that at least doubling the size of the legislative management would again give us a little more oversight.

Rep. Kathy Hogan: I noticed in Section 1 you are proposing that we have a higher percentage of representatives from the House to the Senate. I think that is a substantial change.

Rep. Schatz: We have different formulas in the House. We do ours on proportion in the House. The Senate doesn't; they are going to a set number. We passed the bill last session that made it proportional in the House of Representatives. The House has always had a majority. We always have had one more than the Senate. If you were going to nine and five if you were going to keep that majority.

Rep. Kathy Hogan: It does change the balance of relationship in some ways.

Rep. A. Maragos: Did you give any thought to insisting on regional representation. As it is right now there are some areas that could provide every member of the legislative management committee without any idea of regional representation.

Rep. Schatz: That is an excellent idea. I did not think of that. It is a small number that know how everything works so I would like to see that get bigger. I am open to any amendments.

Rep. Muscha: The huge differences are between rural and the cities issues. But if people have lived their entire life say in Fargo it really doesn't understand the great differences of life between those two areas.

Rep. Schatz: Yes you are right. We have regional and rural that needs to be addressed somehow in the makeup of this committee.

Rep. J. Kelsh: You talked about a lot of things that legislative management is? I have been on it at least twice and we did not do any of those things. Do you have a list of things legislative management is supposed to do? Normally it is the studies and the committee and some other minor stuff we have never gotten into the financial things; that is the budget section that does that.

Rep. Schatz: I do not.

Rep. M. Klein: A group of 28 people. Don't you think that is too much?

Rep. Schatz: I think there are more benefits than negatives.

Chairman N. Johnson: I read it to be 34 members.

Rep. Klemin: It is not much stretch to add 13 and have 1 from every district.

Rep. Beadle: The number that is being proposed we have 30% of the Senate. Do we get over 30% of the Senate that wants to do it or do we want 30% of the Senate?

Rep. Schatz: Yes I think you do. Legislative Management is usually one day a month.

Rep. J. Kelsh: We meet after adjournment of the legislative session. You chose the chairman of the legislative management. Make sure all the studies that are proposed are sent out what people would like serve on those and then we come back and chose the studies in early May probably. Many times you only meet once or twice before the legislative session.

Rep. Schatz: I would like to expand the list of oversight. If there is substantial evidence that an agency or part of the government is not living up to what it is supposed to that they could be called in by legislative management and at least answer certain questions. I don't know if that is over stepping our bounds but I feel we need to do that sometimes. Twenty months between sessions is a lot of time and people forget and if nobody is saying you are doing that wrong so you will just continue.

Rep. Koppelman: The legislature does work in specific areas and public policy to make sure the laws we pass are carried out appropriately. Administrative rules does carry that, but it does make an interesting point. Sometimes rules aren't made on laws we pass. Rep. Schatz suggests that somehow legislative management; while they wouldn't have authority over agencies of government in the executive branch, if they would have a dialogue to check how this is working. The House has twice as many members as the Senate. Have you ever thought about having members of the Senate take a vote and then House take a vote and those counting equally in having an agreement being necessary or a tie breaking mechanism somehow or something like that.

Rep. Schatz: Yes that is a good idea as well. We talked about regional and city rural and now we have talked about 1/3 of the Senate and yes that would be a lot and if they would be willing to do something like that. There is another thought that could go into this.

Rep. Kathy Hogan: Maybe this is an area where we need to do a study of the Legislative Council to find out what the perimeters are and this is not just because of your bill.

Rep. J. Kelsh: There are two separate committees and they do different things. Maybe a study would be better than we are doing it now?

Opposition: None

Neutral: None

Hearing closed.

Chairman N. Johnson asked what do we want to do this this one.

Rep. J. Kelsh: I would have no problem expanding it some; but I think 34 people are quite a few. We normally don't meet in the regular chambers or this type of thing. It could be expanded, but 34 is a lot.

Rep. Hatlestad: A study might be the least to do.

Rep. J. Kelsh: I did not mean to indicate we don't do anything. I don't know what all those powers are supposed to be.

Chairman N. Johnson: Legislative Management chairs the intern committees.

Rep. J. Kelsh: That is not true any longer. There was only one minority chair and that was in tribal affairs.

Rep. Koppelman: It would be interesting to visit with Legislative Council to see what they do. Are those duties being carried out?

Rep. Hatlestad: You said for once or twice you met so once you got pass the studies selected your pretty much done.

Rep. J. Kelsh: Other than the three meetings that chose the chairman; the studies and the people who are going to be on the studies maybe three times is all you meet.

Rep. Beadle: Chapter 54-35-02 of the Century Code under the legislative management chapter of state government is the powers and duties of legislative management so it does exist in code. Read this chapter. They do have nine powers and duties in this section.

Rep. Koppelman: I want to hold this.

Closed.

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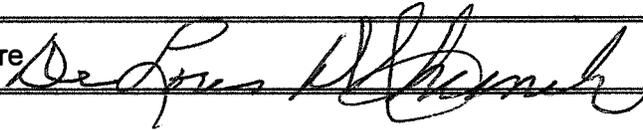
2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1441
February 21, 2013
Job # 19334

Conference Committee

Committee Clerk Signature



Minutes:

Proposed Amendment #1

Chairman N. Johnson reopened the meeting on HB 1441. (See proposed amendment #1).

Rep. Hatlestad: What the amendment does is doing away with the doubling the size of Legislative Management and merely increases it by one. The idea was to balance it out and make it more proportional so it was six in the House so it would be seven. It removes the 5 and replaces it with 2 so the minority leader would be able to appoint two members. Basically it just increases the size of legislative management by one individual.

Rep. Koppelman: I see Rep. Schatz name on the amendment too. Was this something he did?

Rep. Hatlestad: We talked with him and he came back and said he would put it together so he did.

Rep. Koppelman: You said it would increase the number of Legislative Council by one; actually by two. One member from each chamber, is that right?

Rep. Hatlestad: Yes it would be one in each house.

Rep. Klemin: I am not sure what the difference here is between 6 and 7. I don't know why we want to increase it by one in each chamber. I heard Rep. Schatz's testimony where he wanted to double it. I don't see what the point is.

Rep. Hatlestad: Rep. Schatz felt it would give another individual an opportunity to participate at that level.

Motion Made to Move Moved amendment 13.0647.01002 by Rep. Koppelman; Seconded by Rep. L. Meier.

Rep. Kretschmar: I think the fiscal note will change then. Do we have a new one then?

Voice vote carried.

House Political Subdivisions Committee

HB 1441

February 21, 2013

Page 2

Do Pass As Amended Motion Made by Rep. Koppelman: Seconded by Rep. M. Klein

Roll Call Vote: 6 Yes 9 No Failed

Do Not Pass As Amended by Rep. A. Maragos; Seconded by Rep. Ben Hanson

Vote: 10 Yes 5 No 0 Absent Carrier: Rep. A. Maragos

Closed.

FISCAL NOTE
Requested by Legislative Council
02/22/2013

Amendment to: HB 1441

- 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			\$6,887		\$6,887	
Appropriations			\$6,887		\$6,887	

- 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 increases the number of legislators on the Legislative Management.

- 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 increases the number of legislators on the Legislative Management from 17 to 19.

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 expenditures shown reflect the estimated per diem and travel expenses of the 2 legislators added to the Legislative Management for an estimated 7 meetings per 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 funding from the general fund would be needed for costs related to the expanded membership of the Legislative Management as discussed above.

Name: Allen Knudson

Agency: Legislative Council

Telephone: 328-2916

Date Prepared: 02/23/2013

FISCAL NOTE
Requested by Legislative Council
01/22/2013

Bill/Resolution No.: HB 1441

- 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			\$58,541		\$58,541	
Appropriations			\$58,541		\$58,541	

- 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 increases the number of legislators on the Legislative Management.

- 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 increases the number of legislators on the Legislative Management from 17 to 34.

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 expenditures shown reflect the estimated per diem and travel expenses of the 17 legislators added to the Legislative Management for an estimated 7 meetings per 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 funding from the general fund would be needed for costs related to the expanded membership of the Legislative Management as discussed above.

Name: Allen Knudson

Agency: Legislative Council

Telephone: 328-2916

Date Prepared: 01/25/2013

CSMC
2/21/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1441

Page 1, line 8, replace "fourteen" with "seven"

Page 1, line 9, replace "fifteen" with "seven"

Page 1, line 12, replace "ten" with "five"

Page 1, line 14, remove the overstrike over "~~two~~"

Page 1, line 14, remove "five"

Page 1, line 16, replace "nine" with "five"

Page 1, line 18, remove the overstrike over "~~two~~"

Page 1, line 18, remove "five"

Renumber accordingly

Date: 2-21-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1441

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0647.01002

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

Motion Made By Rep. Koppelman Seconded By Rep. L. Meier

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:

*Vote
Carried!*

Date: 2-21-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1441

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0647.01002

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

Motion Made By _____ Seconded By _____

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) 6 No 9

Absent 0

Floor Assignment _____

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

Failed

Date: 2-21-13
Roll Call Vote #: 3

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1441

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. Maragos Seconded By Rep. B. Hanson

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) 10 No 5

Absent 0

Floor Assignment Rep. Maragos

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

REPORT OF STANDING COMMITTEE

HB 1441: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1441 was placed on the Sixth order on the calendar.

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Renumber accordingly

2013 TESTIMONY

HB 1441

13.0647.01002
Title.

Prepared by the Legislative Council staff for
Representative Schatz
February 20, 2013

#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1441

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