

2013 HOUSE JUDICIARY

HCR 3046

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HCR 3046
DATE March 11, 2013
JOB 19694

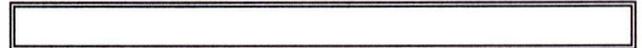
Conference Committee



Explanation or reason for introduction of bill/resolution:

Concurrent resolution relating to the limitation on biennial legislative session days

Minutes:



Chairman Kim Koppelman: Opened the hearing on HCR 3046.

Rep. Ben Hanson: A sponsor of the bill, it takes our annual biennium days allotted for our session from 80 days to 120. Those aren't specified as to when we can have them, we could split them up to 80 days during nonelection years and 40 days during election years. So a legislative session could more adaptable to every changing condition especially with the boom times we have in the oil patch. The reason I signed on for this was because the people should be allowed to choose whether we should have more time to have a session. More times precludes to precision is not known but when we have only 80 to meet and that we have over 100 registered lobbyist to have more time to digest that kind of information.

Rep. Randy Boehning: Do you see us doing three months than a couple of months the following year?

Rep. Ben Hanson: I would envision having 80 days during nonelection year and 40 days during election year. We would have longer and more divisive issues being fought out during nonelection years.

Rep. Karen Karls: Have you surveyed how the lobbyist would feel?

Rep. Ben Hanson: I would not allow the opinion of the lobbyist to dictate my thoughts.

Rep. Lois Delmore: Not only can the Governor call us in we ourselves can call ourselves in. Do you think there is a reason we haven't done that, that this bill may solve?

Rep. Ben Hanson: I don't know the details of calling ourselves in.

Chairman Kim Koppelman: If we do call ourselves in it has to be in that 80 parameter but if the Governor calls us in for a special session that doesn't count against our 80 days.

Rep. S Kelsh, prime sponsor of the bill: I have introduced this legislation on several occasions in the past the last time we lengthened the amount of days we can be in session was in 1976 when we went from 60 to 80 days. The budget then was under one billion we are approaching 13 billion

dollars, our issues are becoming more complicated, the times have become more complicated and I don't think any business would survive operating the same way they did in 1977. It's important to us to be responsive to the citizens in ND to be able to bring ourselves back into session if need be on a timely basis to address some of those things that we've seen. We are still running up against the same deadlines on bill introductions and committee hearings. Giving us the flexibility to be able to move to those additional numbers of days is crucial to being able to meet the growing and changing landscape in ND.

Vice Chairman Larry Klemin: Sometimes I have heard it mentioned that it is difficult to get candidates to run for Legislative office because to the time commitment that is involved if we extend it from 80 to 120 are we going to make the situation worse? Or will this be better?

Rep. Kelsh: Certainly it is a consideration we are already burdened by being here. Those of us who have a regular job know what we were getting into when we may that commitment and I don't see this as being any additional burden on candidate recruitment. I think it would be an enhancement as it would have time and more ability to meet during not those 80 days but during other times of the year when we need to address special issues that come up.

Vice Chairman Larry Klemin: The principle that the amount of time it takes to do something is based on the amount time we have to do it, would that apply if we lengthen the session?

Rep. Kelsh: For a number of sessions we operated in the 80 day parameter we finished up in 65 or 66. A couple of times we went to 72 now the last few sessions has been 78 and 79 and I don't think we are getting as good of product as we could be having if we had additional time. So I think any time you can professionalize ourselves more and take more in depth look at things and allow the public to have more input I think that is a good thing.

Rep. Lois Delmore: Do you think we if adopted this we would take more time on bills? Would this help?

Rep. Kelsh: I definitely think it would. What you are seeing is a more complex state then we have had and we are being asked to make those same kinds of decisions within those same limited time periods. I think we are not doing the public any favors when we are acting on bills after being here a long day, we are not digesting and absorbing the information like we could if our minds were fresh.

Rep. Lois Delmore: There are those that say the budget section is serving us during the Legislative interim I think it's one thing that many of us who are not on who not on that budget section have concerns with? I think this bill would help that is that one of the reason you brought this forward?

Rep. Kelsh: It was included in my decision to bring this resolution forward. In respect to Rep. Klemin's question what about recruiting candidates? Everyone who serves on that budget section has to meet those certain of number of days that maybe required or certainly expected to be here to attend those budget section hearings. I think we should all have a say.

Rep. Kathy Hogan: Do you have any idea how many days other states are in session?

Rep. Kelsh: I can provide that information to you. We are similar to SD as they are limited to meet 75 days however they only meet four days a week.

Rep. Karen Karls: Have you studied the cost of what this short 40 days session would cost?

Rep. Kelsh: I'm sure Legislative Council has the cost. What this does is allow us to meet up to 120 days it doesn't say we have to meet 120 days. We can still limited ourselves to an 80 session then use the other time if we need during the interim or at the end of our regular session to be able to tie up the loose ends. We are dealing with a thirteen billion dollar budget versus a seven hundred and ninety million dollar budget in 1977 and we are still getting the same number of days to meet. We need to rethink how we legislate in ND.

Rep. Randy Boehning: Would the effective date be in 2015?

Rep. Kelsh: This is a Constitutional amendment that would be put to the voters on 2014 general election ballot.

Rep. Randy Boehning: If we do 80 days one year and 40 days the following year would you see us having to pass the bill or could we wait until the second half to pass the bills?

Rep. Kelsh: What this does is simple give us more days. The rules and statute are what we decide as a Legislative body as to what the numbers of days we meet every year or the number of sessions and the length of the sessions and how we want to handle bills.

Rep. Bill Kretschmar: Did you consider drafting this up to say X number of days meeting in the odd year and Y number of days in the even year?

Rep. Kelsh: We can do that but we didn't want to enshrine the number of days that we meet every year in the Constitution because that is already in statute.

Chairman Kim Koppelman: A lot of states use their constitutional limits of days differently and in ND we have always been a put our nose to the grind stone state and meet diligently and get out of here quickly and think that is sufficient. But as you point out even our neighbor to the south does something a little different. Some states meet for three days a week. If the legislative process needs to extend have you contemplated that approach versus this?

Rep. Kelsh: We could look at that but we have the tradition meeting Monday through Friday and I don't anticipate any changes to that type of system.

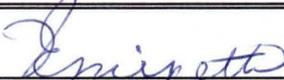
Chairman Kim Koppelman: Discussed the need for fiscal note from Legislative Council. Closed the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HCR 3046
Job 19800 to 16:43 time
DATE March 12, 2013

Conference Committee



Concurrent resolution relating to the limitation on biennial legislative session days

Minutes:



Chairman Kim Koppelman: We will open the hearing on HCR 3046 and a motion for a do not pass on HCR 3046 from Rep. Klemin and a second from Rep. Maragos.

Rep. Koppelman: I think that 120 days are going to be the maximum under this resolution if it's approved by the voters and 80 days is long enough. If we have 120 days to do this it would take 120 days to do it.

Rep. Delmore: 120 days is a long time but I think Rep. Kelsh was very clear that we don't amend the constitution every other day. I think our sessions get very rushed some days and very long; that isn't always conducive to making the best decisions on every bill we handle. Sometimes it might be nice to have that it also would help us if we needed to call ourselves back into session rather than waiting to see whether the governor will do it. If we use all of those days we do not have an option. I think we could amend this bill.

Rep. Koppelman: I think we should use less days during the session and not be so hesitant to call us back into a special session. 80 days works for that I don't like playing games with the number of legislative days; a lot of states have done things like committee meeting on days that don't gavel in and they don't call those legislative days. That is another way that we could be more diligent.

Rep. Larson: Before coming I would have said "80 days is plenty and we should do even shorter" but listening to the testimony I felt there are strong arguments the last increase was in 1976 when we went from 60-80 days and then we didn't use the 80 days for several years. Now we are pushing the 80 days we have

had some days where we are trying to get through 10 bills in a day. In higher ED they said "we are not going to increase our tuition" and within 3 weeks they did. We are getting to be a populated state and energy wise and so many areas that maybe there things that should be addressed more than every other year. It doesn't seem like a bad idea to extend it.

Rep. Kretschmar: I would support that motion. If we would amend that bill be 100 days I would certainly support it. Going 40 days would more than the electors of our state would want to do.

Rep. Koppelman: We have a motion on the floor and if it is not withdrawn we will take a vote on the motion. If it prevails it would go to the floor with the recommendation if the motion is defeated we have the motion before us and we could move a do pass or amend it.

Rep. Brabandt: I support 100 days.

Rep. Delmore: If we do feel that way as a committee we should vote down the do not pass and then we can look at an amendment.

Rep. Bill Kretschmar: Have we acquired a fiscal note?

Rep. Koppelman: \$65,000 per day and 2.6 million per biennium if they are all used.

Rep. Karls: What would this do our interim committee studies?

Rep. Koppelman: I wouldn't think it would affect them much because the interim would be 40 days shorter in the current form.

Rep. Klemin: 30 days and we are here for 4 months at 100 days we would be here for 5 months and 120 days we would be here for 6 months if we do them all.

Rep. Larson: I was talking with some that said " perhaps the interim committee would get more done because there would action on their work more quickly and the people in that next year would still be office and we wouldn't have some of the people having to run again and not be in office after the end of their interim committee.

Rep. Koppelman: Let's retire that amendment.

Rep. Toman: Rep. Larson there is nothing in is amendment or the constitution now that says 120 days will be divided up in any manner. So what you are talking about is having sessions of 1 day longer or 1 day shorter I think that would make it much worse for many people to serve in the legislature.

Rep. Koppelman: South Dakota finished their session today and they have 40 and 35 days and this is the longer session that they just finished.

Rep. Toman: I could support expending the days for some of the reasons that Rep. Kelsh said "if they had a percentage they must be held in reserve first calling a special session by the legislature." By expanding them like this we will probably use them within a couple of years.

Rep. Koppelman: If that is the direction that we went would you want to put that into the constitution or would you want to allow legislature the flexibility to decide to hold some in reserve or to do annual sessions.

Rep. Boehning: I am been here for 6 sessions and it seems like we are giving ourselves a push they are trying to do things on the fly like amendments trying to get the best bill out and appropriations is busting their butts trying to do the best policy out. There are people until 7-8 o'clock at night I think we should expand the number 100 days would better.

Rep. Hogan: I reflect on the special session that we had a year ago we did a ton of work that week on many different issues. There are immerging issues that shouldn't wait for 2 years, so I like 100 days.

Rep. Kretschmar: Under the current constitution the legislature itself can divide the 80 days any way they want. That wouldn't change under this amendment. Our standing committees can meet on days that the legislature doesn't.

Rep. Steiner: Out west things are changing quickly. I noticed that there is reluctance to change here and I like see this work.

Rep. Klemin: I will withdraw the motion.

Rep. Koppelman: The motion is withdrawn and the second has agreed

Rep. Delmore: I would move that we amend the bill on line 4 to 100 days and on line 22 for 100 and on line 24 100.

Rep. Koppelman: we have a motion by Rep. Delmore and a second from Rep. Boehning. We have a voice vote on the amendment to strike 120 days and replace it with 100 days. Voice vote carried.

The resolution as amended is before us. We have a do pass as amended on HCR 3046 by Rep. Delmore and seconded by Rep. Boehning.

Yes 9 No 4 Absent 1 Carrier: Rep. Larson

FISCAL NOTE
Requested by Legislative Council
03/13/2013

Amendment to: HCR 3046

- 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						
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 concurrent resolution provides for a Constitutional amendment increasing the number of days the Legislative Assembly may meet in regular session during a biennium.

- 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 measure, if approved by the people, would increase the Constitutional limit on the number of days the Legislative Assembly may meet in regular session each biennium from 80 days to 100 days.

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 fiscal impact of this measure, if approved by the people, is unknown. The estimated cost is dependent on the number of days the Legislative Assembly would actually meet during a biennium. The cost per day of the Legislative Assembly's regular session in 2013 is estimated to be \$65,000 per day. If the Legislative Assembly would meet for the maximum number of days allowed under the proposed Constitutional amendment of 100 days, the estimated cost of the additional 20 days, based on the estimated daily costs during the 2013 legislative session, would total \$1.3 million of additional expenditures for the 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.*

If approved by the people, the Legislative Assembly would need to provide additional appropriation authority for the 2015 legislative session based on an estimate of the number of days the Legislative Assembly would meet in regular session in 2015, which could be up to an additional \$1.3 million as explained in the expenditures section above.

Name: Allen Knudson

Agency: Legislative Council

Telephone: 328-2916

Date Prepared: 03/14/2013

FISCAL NOTE
Requested by Legislative Council
02/27/2013

Bill/Resolution No.: HCR 3046

- 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						
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 concurrent resolution provides for a Constitutional amendment increasing the number of days the Legislative Assembly may meet in regular session during a biennium.

- 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 measure, if approved by the people, would increase the Constitutional limit on the number of days the Legislative Assembly may meet in regular session each biennium from 80 days to 120 days.

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 fiscal impact of this measure, if approved by the people, is unknown. The estimated cost is dependent on the number of days the Legislative Assembly would actually meet during a biennium. The cost per day of the Legislative Assembly's regular session in 2013 is estimated to be \$65,000 per day. If the Legislative Assembly would meet for the maximum number of days allowed under the proposed Constitutional amendment of 120 days, the estimated cost of the additional 40 days, based on the estimated daily costs during the 2013 legislative session, would total \$2.6 million of additional expenditures for the 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.*

If approved by the people, the Legislative Assembly would need to provide additional appropriation authority for the 2015 legislative session based on an estimate of the number of days the Legislative Assembly would meet in regular session in 2015, which could be up to an additional \$2.6 million as explained in the expenditures section above.

Name: Allen Knudson

Agency: Legislative Council

Telephone: 328-2916

Date Prepared: 03/04/2013

March 12, 2013

JK
3/12/13

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3046

Page 1, line 4, remove "twenty"

Page 1, line 22, remove "twenty"

Page 1, line 24, remove "twenty"

Renumber accordingly

Date: 3-12-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR3046

House Judiciary 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. Klemin Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

With Seven

Date: 3-12-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3046

House Judiciary 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. Delmore Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice vote - carried
Remove 120 days and replace it with 100 days.

Date: 3-12-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3046

House Judiciary 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. Delmore Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman		/	Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin		/	Rep. Ben Hanson		
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls		/			
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman		/			

Total (Yes) 9 No 4

Absent 1

Floor Assignment Rep. Larson

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

REPORT OF STANDING COMMITTEE

HCR 3046: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3046 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "twenty"

Page 1, line 22, remove "twenty"

Page 1, line 24, remove "twenty"

Renumber accordingly