

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2015**

Bill/Resolution No.: HB 1342

- 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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$(1,309,000)		\$1,540,000	
Appropriations			\$(1,309,000)		\$1,540,000	

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 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 requires annual legislative sessions beginning in 2017.

- 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 meet for up to 60 days in each odd-numbered year and for up to 20 days in each even-numbered year. The total number of legislative days would still be limited to 80 over each two-year period. The bill includes a December 1, 2016, effective date.

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 Legislative Assembly would be limited to meet for 60 legislative days in 2017. The 2015-17 biennium budget for the Legislative Assembly includes funding for an anticipated 77 legislative day session in 2017; therefore, there would be an estimated 17 fewer legislative days during the 2015-17 biennium. Based on an estimated cost of \$77,000 per legislative day, 2015-17 biennium expenditures would be reduced by \$1,309,000. This amount anticipates the Legislative Assembly would meet for 60 consecutive business days. For the 2017-19 biennium, the Legislative Assembly would meet for up to 20 days in 2018 and up to 60 days in 2019. Expenditures in 2017-19 would increase by an estimated \$1,540,000 for costs of 80 days in the 2017-19 biennium compared to the 60 days in the 2015-17 biennium. The anticipated additional costs reflect \$231,000 for an anticipated 3 additional legislative days, from a total of 77 to 80. Again, this amount anticipates the Legislative Assembly would meet for consecutive business days to complete its work each year. If the Legislative Assembly would choose to take extended breaks between legislative days, the costs for each session could increase significantly.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

The 2015-17 biennium appropriation could be reduced by an estimated \$1,309,000 from the general fund to reflect 17 fewer legislative days during the 2017 legislative session as explained in the expenditures section above. The 2017-19 biennium appropriation would need to increase from the adjusted 2015-17 biennium appropriation level referred to above by an estimated \$1,540,000 from the general fund in anticipation of meeting for 20 legislative days in 2018 and 60 legislative days in 2019 as explained in the expenditures section above.

**Name:** Allen Knudson

**Agency:** Legislative Council

**Telephone:** 328-2916

**Date Prepared:** 01/17/2015

**2015 HOUSE POLITICAL SUBDIVISIONS**

**HB 1342**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee

Prairie Room, State Capitol

HB 1342  
1/30/2015  
22898

- Subcommittee  
 Conference Committee

*Amanda Muscha*

### Explanation or reason for introduction of bill/resolution:

Relating to reconvened regular sessions of the legislative assembly in even-numbered years; and to provide an effective date.

### Minutes:

Chairman Klemin: Opened the hearing on HB 1342 and note there is a fiscal note with the bill.

Representative Kempenich: It is a 60 20. It's what we can do already. I am bringing it forward so we can talk about it. 68% of North Dakota's economy is based on commodities. This really got started 2 years ago. We were missing what we were guessing what was going on big time in western North Dakota big time. It was dropping and it showed we were not close. What this bill does is to review what we did or have done and it gives us the ability what we can do right now and gives us a deadline. If we can try to save some days then we could come back on a review session. What I do think is we need to look at the next year to maybe have something to look at that as having a review session. You have to have some ability to address some issues nationally. Things to get rushed towards the end and we have been giving the executive branch a lot more power. When we aren't here we are giving more power to the executive decision. It is a personal decision though.

Representative Koppelman: Do believe there is any way short of the 80 days and not worry about calling ourselves into a special session (only governor can do that)?

Representative Kempenich: It gets down to discipline. It comes down to legislative management and change is hard but I think a shift like that would never happen. It would have to be a majority of the body to say the time has come. It all depends where you are at in the session. I think we would have to change rules in committees and stuff like that.

Representative Koppelman: Your bill doesn't really specify the nature of the two types of session?

Representative Kempenich: The intent is (70-10) you would have a much focused session and policies would have to be made. One would look like the regular one and the smaller one would look much focused.

Representative Maragos: I have always agreed but pragmatically our state hears every single bill. Can we accomplish what you want?

Representative Kempenich: The rules have to run through the full legislature but for the most part fi we are trying to change. I think what you would have to do, is not pocket billing, I don't think if you could kill one in committee but not one apart from passing. We could put in rules and make a bills committee and a delayed bills committee. Many bills are similar every year.

Representative Hatlestad: You think it would be legal to control the agenda budget items only and emergency clause?

Representative Kempenich: We do that today. The body would have to approve it though. You have the votes you can do anything regardless of what we have going on. We would have to have some sort of structure set up. The longer session could run similar to this and the short one would have to be fairly structured.

Chairman Klemin: If we pass this it will need to be rerefer to appropriations.

The rest is inaudible

Representative Maragos: Motioned for a do pass

Representative Kelsh: Seconded the motion

A Roll Call Vote Was Taken: Yes 8, No 5, Absent 1 (Klein)

Representative Maragos will carry the bill

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1342**

House Political Subdivisions Committee

Subcommittee  Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Maragos Seconded By Kelsh

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin		X	Rep. Pamela Anderson		X
Vice Chair Patrick R. Hatlestad	X		Rep. Jerry Kelsh	X	
Rep. Thomas Beadle	X		Rep. Kylie Oversen	X	
Rep. Rich S. Becker		X	Rep. Marie Strinden	X	
Rep. Matthew M. Klein	---				
Rep. Kim Koppelman		X			
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos	X				
Rep. Nathan Toman		X			
Rep. Denton Zubke	X				

Total (Yes) 8 No 5

Absent 1 Klein

Floor Assignment Representative Maragos

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

**REPORT OF STANDING COMMITTEE**

**HB 1342: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1342 was rereferred to the Appropriations Committee.**

**2015 HOUSE APPROPRIATIONS**

**HB 1342**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Roughrider Room, State Capitol

HB 1342  
2/13/2015  
23863

- Subcommittee  
 Conference Committee

*Mary Buckner*

**Explanation or reason for introduction of bill/resolution:**

Relating to reconvened regular sessions of the legislative assembly in even-numbered years; and to provide an effective date.

**Minutes:**

No attachment

**Lawrence Klemin spoke as chair of Political Subdivisions Committee:** This bill provides for annual sessions of the legislature; 60 days one session and 20 days the next session. This passed the political subdivisions committee on a vote of eight to five; I was one of the five. Representative Kempenich was very eloquent so he got the other eight. It will cost more if we have a second session; a review session.

**Representative Glassheim:** They show a gain in the fiscal note. I guess we save money in one session.

**Representative Skarphol:** I thought both sessions would have been in the same biennium.

**Chairman Delzer:** They are supposed to be.

**Representative Skarphol:** I don't know how you would save anything.

**Chairman Delzer:** The fiscal note doesn't make a lot of sense but we'll check that out. It was 80 days every other year so I don't know that there would be any savings. The cost would be more simply because it's going to cost more in two years to have another session.

# 2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee  
Roughrider Room, State Capitol

HB 1342  
2/17/2015  
24014

- Subcommittee  
 Conference Committee



## Explanation or reason for introduction of bill/resolution:

Relating to reconvened regular sessions of the legislative assembly in even-numbered years; and to provide an effective date.

## Minutes:

No attachment

**Chairman Jeff Delzer:** Vice Chairman Keith Kempenich has carried this bill the last two years. It would split us into annual sessions; one 60 days and one 20 days. The fiscal note on it is -\$1.3 for the 2015-17 biennium which would mean that you'd have 20 days less in 2017 but it would shift that cost to 2018-19 for the next biennium. The vote out of political subs was 8-5.

**Vice Chairman Keith Kempenich:** This session is a good example of trying to see what the future holds. I'm looking at this as a review process. I think what we're doing is a disservice to what we do here. There's an attempt to hold onto five days to look at it if we have to. We'll take as many days as we have in session so if we have 80 days we are going to use 80 days. The problem with this would be making the transition. We could do this by a rule change but it takes both sides of the chambers to do it.

**Chairman Jeff Delzer:** I will have to disagree with the vice Chairman Headland on this one. I think 60 days would be extremely difficult to do the whole budget; the 20 day review session would probably be okay. If we tried to have the policy committees have any chance to review the bills before they come to appropriations and for the appropriations to look at that would take a week and half out of both sides on our process. We sometimes worry too much about what the governor proposes and not enough worrying about what is actually in the budget to start with. There should be some discussion on whether to have a study resolution to pick some different parts of the existing budget and look at them in the interim. I don't think the 60 days and the 20 days would be enough time to work. We've been in this case for the last 125 years and as a state it's worked pretty well. The governor always has the right to call the legislative body in.

**Representative Skarphol:** Most of us take pride in the system we have and any bill introduced gets voted on. In those states that have those short annual sessions a chairman can kill a bill; I wouldn't want to serve in a legislative assembly where a chairman

could do that. I will not support this. I think what we have has served the public well. Texas still has biennial sessions and has several special sessions during their interim. I don't want to think about North Dakota changing the idea that we're going to vote on every bill that gets introduced no matter how bad it is.

**Vice Chairman Keith Kempenich: MADE A MOTION FOR A DO PASS.**

**Representative Boe: SECONDED.**

**Chairman Delzer:** I'm sure you know where I stand on this. If you're a member of this legislature do you want to have to come every year? I know some people would shorten it up so they could be farming and such. The job of being representatives is to do the right thing, not to do it quickly.

**Representative Silbernagel:** I have tagged along on Vice Chairman Kempenich's bill a couple times and I fill the quantity and speed of change is a little bit different environment than the past 125 years and I don't want to relinquish any of our legislative responsibilities to our administrators, to special commissioners, the governor or to judicial. We were elected to legislate and we are part of the checks and balances. A shorter second session has some merit. I'm probably going to support this bill.

**Vice Chairman Keith Kempenich:** I see other states doing this and it has worked. We are putting ourselves into positions that the executive branch is taking over. If we don't do it then there are people who will step up and do our job for us.

**Chairman Jeff Delzer:** All this does is say that we're going to have a 60 day and 20 day? It doesn't say who can put bills in or whether or not they can be pocket vetoed. If it's wide open in the 20 days how do you plan to get done if you have every legislator having a bill to put in?

**Vice Chairman Keith Kempenich:** The legislature makes its own rules of how they deal with this. In the special session we limited bills that could come in front of us so it would work the same way. I think there are ways to do this and bring second hearings to the floor. There could be a process in place that if there are enough committee members or if it's within one or two votes they could bring it to the floor. If it's a unanimous do not pass in committee it could stay in committee. There are a lot of ways we could do this if we wanted to go down that road.

**ROLL CALL VOTE: 10 YES 12 NO 1 ABSENT  
MOTION FAILS FOR A DO PASS**

**Chairman Delzer:** Do we want to run another motion?

**Representative Pollert: MADE A MOTION FOR A DO NOT PASS**

**Representative Bellew: SECONDED**

House Appropriations Committee

HB 1342

February 17, 2015

Page 3

**ROLL CALL VOTE: 13 YES 9 NO 1 ABSENT  
MOTION CARRIES FOR A DO NOT PASS**

**Representative Pollert will carry this bill.**

Date: 2/12/15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1342**

**House Appropriations Committee**

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:	<input type="checkbox"/> Adopt Amendment
	<input checked="" type="checkbox"/> Do Pass <input type="checkbox"/> Do Not Pass <input type="checkbox"/> Without Committee Recommendation
	<input type="checkbox"/> As Amended <input type="checkbox"/> Rerefer to Appropriations
	<input type="checkbox"/> Place on Consent Calendar
Other Actions:	<input type="checkbox"/> Reconsider <input type="checkbox"/> _____

Motion Made By: Kempenich                      Seconded By: Boe

Representatives	Yes	No	Absent	Representatives	Yes	No	Absent	Representatives	Yes	No	Absent
Chairman Jeff Delzer		✓		Representative Nelson	✓			Representative Boe	✓		
Vice Chairman Keith Kempenich	✓			Representative Pollert		✓		Representative Glassheim	✓		
Representative Bellew		✓		Representative Sanford		✓		Representative Guggisberg	✓		
Representative Brandenburg	✓			Representative Schmidt	✓			Representative Hogan			✓
Representative Boehning	✓			Representative Silbernagel	✓			Representative Holman	✓		
Representative Dosch		✓		Representative Skarphol		✓					
Representative Kreidt		✓		Representative Streyle			—				
Representative Martinson		✓		Representative Thoreson		✓					
Representative Monson		✓		Representative Vigesaa		✓					
	<u>3</u>	<u>6</u>	<u>0</u>		<u>3</u>	<u>5</u>	<u>1</u>		<u>4</u>	<u>1</u>	<u>0</u>

**Totals**

(Yes)	<u>10</u>
No	<u>12</u>
Absent	<u>1</u>
Grand Total	

*Motion Dies*

Floor Assignment: \_\_\_\_\_

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

2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1342

House Appropriations 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: Pollert Seconded By: Bellew

Representatives	Yes	No	Absent	Representatives	Yes	No	Absent	Representatives	Yes	No	Absent
Chairman Jeff Delzer	✓			Representative Nelson	✓			Representative Boe		✓	
Vice Chairman Keith Kempenich		✓		Representative Pollert	✓			Representative Glasheim		✓	
Representative Bellew	✓			Representative Sanford	✓			Representative Guggisberg		✓	
Representative Brandenburg		✓		Representative Schmidt		✓		Representative Hogan	✓		
Representative Boehning		✓		Representative Silbernagel		✓		Representative Holman		✓	
Representative Dosch	✓			Representative Skarphol	✓						
Representative Kreidt	✓			Representative Streyle			—				
Representative Martinson	✓			Representative Thoreson	✓						
Representative Monson	✓			Representative Vigesaa	✓						
	<u>6</u>	<u>3</u>	<u>0</u>		<u>6</u>	<u>2</u>	<u>1</u>		<u>1</u>	<u>4</u>	<u>0</u>

Totals

(Yes)	<u>13</u>
No	<u>9</u>
Absent	<u>1</u>
Grand Total	<u>23</u>

Do not <sup>Pass</sup> motion Carries

Floor Assignment: Pollert

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

**REPORT OF STANDING COMMITTEE**

**HB 1342: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (13 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). HB 1342 was placed on the Eleventh order on the calendar.