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SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1050

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1050

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1050

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 01-11-01

Tape Number	Side A	Side B	Meter #
1	x		66 - 685
1	x		1622 - 2100
Committee Clerk Signature <i>Lisa Vance</i>			

Minutes:

Representative M. Klein, Chairman of the GVA Committee opened the hearing on Jan. 11, 2001.

Summary of the Bill: Relating to the filing of bills enacted by the Legislative Assembly.

Testimony:

John Bjornson, appeared before the committee to discuss the bill. This bill addresses the concern with respect to delivering a bill by the Governor to the Secretary of State for filing of bills. The current constitutional provision is section 9, article 5, provides the every bill passed by the Legislative Assembly must be presented to the Governor for the Governors signature. If he signs the bill it becomes law. There is a provision regarding when the Governor has to return the vetoed bills to the house of origin. But there is no provision regarding the actual filing of bills that are not vetoed. This bill will fill the gap. The bill provides that each bill that is not vetoed by the Governor must be filed with the Secretary of State within five legislative days. The previous statute states that the bill must be filed within five days with the exception of Sundays.

If the Legislative Assembly is not in session then the bill must be filed within 15 days with the exception of Saturdays and Sundays after the delivery to the Governor.

Rep. Klein, The question is simple. What is the problem? Does this address the problem? And what caused it to rise? Is it something that came to be recognized after all these years, or is it something that caused a problem in the past?

Bjornson, The problem is that the constitution does not address the filing of bills that are not vetoed. The problem partially arose when the Constitution was rewritten and this section was adopted in 1996. The problem came up when there was a discussion regarding the legislative rules. The rule 209, dealing with the delivery of bills was inconsistent with the Constitutional provision which stated three days. The Committee considered amending the rules to update the Provision.

Rep. Klemin, Any other provisions that I've seen on times that talks about Saturdays and Sundays being accepted, also includes holidays in that provision. Did the committee give any consideration to putting in holidays as part of the exception to the 15 days?

Bjornson, To my knowledge it was not considered. The committee did not mention that. The Legislative Committee does work on holidays during the session and most of the elected offices are generally open during the session, so that may be why it was not considered.

Rep. Klemin, When the Legislative session adjourns there are still going to be bills that are in the mill here as far as this particular statute is concerned. How is this going to affect it?

Bjornson, Again this did not address holidays so I don't know how this will affect this bill. The only holiday would be Good Friday.

Rep. Klemin, This particular sentence deals with when the Legislature is not in session. So we're not talking about times when the legislature is in session.

Rep. Klein, I think what they are referring to is after we've adjourned and go home, then those bills that haven't been signed yet is what he is referring to here.

Rep. Klemm, I understand that but what my point is, every other provision that I've seen where they don't include weekends also excludes legal holidays.

Bjornson, If you would hold this, I could if this was considered. Another option, if you would like to add holidays we could do a simple amendment.

Rep. Klein, We'll put this on hold until we have more information.

*tape time 1622

John Bjornson, Re-addressed the committee concerning HB 1050. The reason why holidays were not included was simply because they are not addressed in the Constitutional provision about the delivery of bills. The committee figured that weekends was enough time provided.

Rep. Klemm, So the Constitution does address Saturdays and Sundays?

John Bjornson, Currently the Constitution provides that while the assembly is in session, the bill becomes law, the Governor has three days. When not in session, the Governor has 15 days, Saturdays and Sundays excepted after delivery to the Governor.

Rep. Klemm, So then why do we have to have a statute that says the same thing as the constitution?

John Bjornson, The Constitution deals with vetoing of bills. The statute addresses bills that are not vetoed by the Governor. The gap here is that the bill that is vetoed, there is no time period in which the governor is required to forward this bill on. If they were in session it would have to be forwarded within five legislative days.

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1050

Hearing Date 01-11-01

Rep. Klemin, If it should happen that a holiday would come on the 15th day, then the Secretary of States office would have to be open on that holiday just in case there is a bill that needs to be delivered.

John Bjornson, That could be a possibility.

Rep. Haas, From a common sense stand point that the Governor would get it in on the 14th day.

John Bjornson, The Legislative Committee was looking at providing some framework for getting those bills in on time. They felt there should be a deadline so that the Governor couldn't just sit on a bill.

Rep. Grande, Made a motion for a Do Pass on the bill.

Rep. Kroeber, Seconded the motion.

Motion Passes: 15 - 0

Rep. Meier, is the carrier for the bill.

HB 1050

Date: 01-11-01

Roll Call Vote #: 1

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Rep Grande Seconded By Kroeber

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	X		REP KROEBER	X	
VICE CHAIR GRANDE	X				
REP BELLEW	X				
REP BRUSEGAARD	X				
REP CLARK	X				
REP DEVLIN	X				
REP HAAS	X				
REP KASPER	X				
REP KLEMIN	X				
REP MEIER	X				
REP WIKENHEISER	X				
REP CLEARY	X				
REP HUNSKOR	X				
REP METCALF	X				

Total (Yes) 19 No 0

Absent _____

Floor Assignment Rep Meier

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

REPORT OF STANDING COMMITTEE (410)
January 11, 2001 10:34 a.m.

Module No: HR-03-0879
Carrier: Meier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1050: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1050 was placed on the Eleventh order on the calendar.

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1050

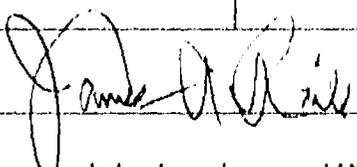
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1050

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 25, 2001

Tape Number	Side A	Side B	Meter #
1	X		43.0-End
1		X	0.0-1.8
Committee Clerk Signature 			

Minutes: Chairman Krebsbach opened the hearing on HB 1050 which relates to the filing of bills enacted by the legislative assembly. Appearing before the committee to explain the proposed legislation was Jay Buringrud with the Legislative Council and council for the interim Legislative Management Committee. This bill deals with the filing of bills with the Secretary of State. It relates back to the mid-eighties. The current section 9 of Article 5 of the constitution of North Dakota addresses the time the governor has to veto bills. It used to say that the governor has three days during a legislative session to veto a bill. If the legislature passes a bill, sends it to the governor, the governor has three days during a session to get that veto message back to the legislature or else it would take effect. After the session the governor has 15 days. What happened in 1996 a new constitutional amendment was approved for the executive branch. It changed when the governor can veto a bill. Rather than 3 days, it provides 5 legislative days during a session the governor has to veto a bill. So, the length of time during a legislative session doesn't tie to calendar days anymore. It ties to legislative days. After the session the

governor has 15 days Saturdays and Sundays excepted to veto a bill so it lengthened the time after the session too. Although the current section 9 of Article 5 addresses the time the governor has to sign or veto bills. The section does not require these bills to be filed with any official. The governor can veto it during the session, it says the governor returns it to the house of origin. It doesn't say after the session what the governor is to do with the bill. The governor can just keep it forever. Only section 9 requires vetoes to be filed with the Secretary of State within 15 days after adjournment and does not otherwise require bills to be filed with the Secretary of State. And that is where this section originally came from is back in 1985 and 1987. The legislature looked at that because they did some research and the question was whether or not the governor had to file certain bills with the Secretary of State. And no. If they weren't vetoed the governor didn't have to file the bill with the Secretary of State. Why is that important? Because the governor gets to veto a bill and the bill has an emergency clause. The bill takes effect when it is filed with the Secretary of State. Thus the governor could hold an emergency bill forever. That is why this section was originally passed. If you look at the language, it relatively tracked the existing language of the constitution. It said within five days, Sundays excepted, what happened at that time, the governor asked the legislature well, I have three days, Sundays excepted to veto a bill. During the session there is a lot of pressure, please give me an extra two days. So that's why it is five rather than three. That current language tracked the constitution. What happened in 1997 is the time frame was changed. The referenced days were changed but this section was never amended to correspond to that. That is what this bill does. It changes it, it still keeps the time frame but provides for an extra two days during the session. This filing, this bill requires the governor to file bills with the Secretary of State. Mr. Buringrud indicated that he wanted to clarify something he had said earlier that it was 5 legislative days during session, it

was three. The change in the constitution was from 3 days Sundays excepted to three legislative days. So that's what the time is that the governor has to veto a bill during a session. Chairman Krebsbach and our legislative days are only counted from Monday through Friday. Mr. Buringrud indicated that was right. Senator T. Mathern questioned that this does not change the number of days in which the governor has the prerogative to veto a bill, only the filing. This changes nothing about veto just the filing. Mr. Buringrud indicated that was correct. A short discussion ensued between Senator T. Mathern, Chairman Krebsbach, and Mr. Buringrud. There were no further questions. There was no further testimony in support, in neutral position, or in opposition to the bill. The hearing was closed at this time. Chairman Krebsbach indicated to the committee if they wanted this bill to go into effect this year the committee would need to add the emergency clause to it. Senator C. Nelson moved that the Emergency clause be amended to this bill, seconded by Senator Wardner. Roll Call vote indicated 6 Yeas, 0 Nays, and 0m Absent or Not Voting. A motion for Do Pass as Amended was made by Senator Wardner, seconded by Senator Dever. Roll Call vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. Senator Wardner will carry the bill.

Date: 1/25/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1050

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10004.0101

Action Taken Amend HB 1050

Motion Made By Sen. C. Nelson Seconded By Sen. Wardner

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator Carolyn Nelson	✓	
Senator Dick Dever, Vice-Chr.	✓		Senator Tim Mathern	✓	
Senator Ralph Kilzer	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

