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Yolanda Richardson
Operator's Signature

10/16/03
Date

2003 JOINT CONSTITUTIONAL REVISION

HCR 3016

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Salvatore Riccardi
Operator's Signature

10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3016

Joint Constitutional Revision Committee

Conference Committee

Hearing Date January 29, 2003

Tape Number	Side A	Side B	Meter #
1	X		1267-end
1		X	344-3709
Committee Clerk Signature <i>Elizabeth R. Green</i>			

Minutes: **CHAIR KRETSCHMAR** Opened hearing on HCR 3016

Rep. Dosch: Supports with written testimony

Rep. Eckre: Most people read the newspaper. Isn't that enough? Will people not see the numbers there? Rep. Dosch noted that many numbers are printed and people do not know what to believe. This would be like the process the Legislature goes through with fiscal notes. Rep. Eckre then noted that fiscal notes are not always accurate. Rep. Dosch said that if a note is not accurate, the appropriation is still what the note says. If the bill costs more, the Legislature still only appropriates what is in the fiscal note.

Rep. Maragos questioned Rep. Dosch's testimony that the lottery will only bring in \$5-6M in revenue. That is not a figure anyone will know. Rep. Maragos asked how we can prepare a fiscal note if we do not know the revenues. Rhetorically, Rep. Dosch asked if all fiscal notes are not then worthless.

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Bill/Resolution Number 3016
Hearing Date January 29, 2003

Rep. Winrich: How do you provide a fiscal note where there are huge disparities? Someone may say one figure and another agency will say another. Rep. Dosch said that they need to have a process like the Legislature uses where they would go back to the agency for clarification. Rep. Dosch stressed that the number has to be the final budget number, not just an open-ended amount. We owe it to the citizens to give them the information. Rep. Winrich then noted that someone in the legislature is responsible for fiscal notes as far as validity. No one is responsible with this resolution. Rep. Dosch said he would not be opposed to an amendment so an interim committee looks at fiscal notes.

Rep. Winrich said Rep. Dosch made a good case for the necessity of good information, but there are other aspects the public needs to know too. We rely on the 1st Amendment and the press to give the public that information. Why can't we rely on the press for the fiscal information. Rep. Dosch said that the power of the initiated measure was given to the people, which gave them the ability to vote something into law. The number will give them something they can rely on.

Sen. Mutch: Stated there used to be a pamphlet sent out by the Secretary of States's office that published the explanation of the measure. The Legislature voted years ago to get rid of the pamphlet. He has heard people want it back.

Rep. Maragos: With initiated measures, if they pass, they would be law for seven years and the Legislature would have to fund it and find a way to do so. If the citizens thought they had made a mistake, they could change their own referral. Rep. Dosch wondered why should we even go there. Why not give them the information up front so we don't have to redo the measure? Rep. Maragos said the assumption is that people wouldn't vote the same way if a fiscal note was put on the ballot. Rep. Dosch said that many people think the initiated measures are a good idea, but

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some citizens who do not know the fiscal impact won't vote for it. Fiscal notes could make the vote go either way. It's easy to say no when you don't know.

Rep. Maragos: Most citizens who have seen 3016 see it as another hurdle because now they have to get a fiscal note. Rep. Dosch said nothing would change. They would still need to get signatures, but then the state would do the fiscal note. It's frustrating to vote when you don't know the cost.

Rep. Eckre: Will this tell where the money is coming from? Rep. Dosch said it will not.

Sen. Nichols: Does not think the fiscal note tells the whole story. In regards to the lottery, we can't estimate financial benefit to ND. Can we really give them a good fiscal impression if there are uncertainties? Rep. Dosch said that he hopes they would be accurate.

Sen. Dever: Regarding the question to impede the process of our citizens, had the youth initiative had a fiscal note, he may have voted for it. You are asking the citizens to make a major budget decision outside of the context of the budget.

Rep. Maragos: Opposed to the resolution because constitutionally, the Legislature has to balance the budget. The people are not held by the Constitution. Sen. Dever said that he agrees, but it is an insult to the people. The numbers on the Youth Initiative quoted so many different numbers. This would at least give a base point.

Rep. Winrich: Wanted to know if Sen. Dever's concern is that an initiated measure might create a problem without budgetary knowledge. Sen. Dever said that responsibility lies with the Legislature to find the room. Rep. Winrich then asked about if they pass a tax increase and it is referred to the people. Should there be a requirement of which budget should be cut to provide the money for the new program? Sen. Dever said that you know where the money is coming

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Joint Constitutional Revision Committee

Bill/Resolution Number 3016

Hearing Date January 29, 2003

from on a referral. Rep. Winrich said that it seems Sen. Dever wants to impose limitations on the initiated measure process, but not a corresponding imposition on the referral process. Sen. Dever reminded the committee that this resolution is only on the measure process.

K.W. Simms (retired media): This is a proposition to squander tax payers' money on the agencies. Sees this fiscal note idea as something out of OMB. This resolution is a slam on the press in ND.

Roger Johnson (Chair of the Youth Initiative Committee): Opposed with written testimony.

Sen. Krebsbach: In response to the referendum, they go through the legislative process and any fiscal information is known already.

Mark Sitz (ND Farmers Union): Opposed. Initiated measures are an important part of the democracy. They do not want to see the process become inhibited and complex. Information is power, but the information needs to be accurate. Fiscal notes are not always accurate.

Russell Odegard: Has been involved with many referrals and initiated measures. This resolution is not necessary. Can we trust the agencies to give accurate fiscal notes? If it passes, they should only get 20 working days to do it. What recourse is there with one fiscal note? If you do not like it, you can not get another one like the Legislature can.

Robert Bolenske: Worked on measures in the past. It is not easy and no additional burdens should be put on the people. The resolution is deficient in time requirements. Who controls the agency? Who is responsible to be held accountable?

Joni Rahrlich: Worked on measures and not once has anyone asked the fiscal impact. No time mentioned, yet the requirements of the measures are restricted. Does not like how the language changes "shalls" to "musts." Constitution is set up for public interest.

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Hearing Date January 29, 2003

Ralph Muecke: This resolution makes referrals and measures even harder. This is an attack on the process.

Glenn Baltrusch: Opposes with written testimony.

Corey Fong (Asst. Sec. of State): Neutral. This resolution has no affiliation with the Secretary of State's office and he would be available for technical questions.

Chair Kretschmar Closed hearing on HCR 3016.

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10/16/03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3016

Senate Joint Constitutional Revision Committee

Conference Committee

Hearing Date 02-05-03

Tape Number	Side A	Side B	Meter #
1		X	103-297
Committee Clerk Signature <i>Thomas D. Juby</i>			

Minutes:

SENATOR TOLLEFSON opened discussion on HCR 3016.

REPRESENTATIVE KRETSCHMAR I agree with all of the opponents of this bill. I am not an expert on how to get an initiated measure on the ballot. There is a difficulty of estimating Fiscal Notes.

Representative Winrich moved a **DO NOT PASS**. Seconded by **Representative Kretschmar**.

Roll Call Vote: 9 YES. 0 NO. 1 Absent.

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Yolanda Rickford
Operator's Signature

10/16/03
Date

COPY

Date: 2/5/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Joint Constitutional Revision Committee

Check here for Conference Committee

Legislative Council Amendment Number HCR 3016

Action Taken Do Not Pass

Motion Made By Rep. Winrich Seconded By Rep. Kretschmar

Representatives	Yes	No	Senators	Yes	No
Rep. Kretschmar, Co-Chair	✓		Sen. Tollefson, Co-Chair	✓	
Rep. Maragos	✓		Sen. Mutch	✓	
Rep. Hawkin	✓		Sen. Kresbach <u>Absent</u>		
Rep. Eckre	✓		Sen. Nichols	✓	
Rep. Winrich	✓		Sen. Seymour	✓	
<i>Both sides (House & Senate) did Standing Committee Report. System would not allow me to do this. PJ</i>					

Total (Yes) 9 No 0

Absent 1

Floor Assignment (House) Rep. Maragos (Senate) Sen. Tollefson

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

Loiseta Rickford 10/16/03
Operator's Signature Date