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10/16/03
Date

2003 JOINT CONSTITUTIONAL REVISION

HCR 3069

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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3069

Joint Constitutional Revision Committee

Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
2	X		1754-end
2		X	334-2018
Committee Clerk Signature <i>Elizabeth R. Feiler</i>			

Minutes: **Chair Kretchmar:** Opened hearing on HCR 3069.

Sen. Flakoll: Supports with written testimony.

Rep. Winrich: Initiated measures usually go hand-in-hand with referendums. Why is this just on initiated measures. Sen. Flakoll responded that referrals usually come from the legislature and already have fiscal consideration.

Sen. Krebsbach: Why not a bill to make a statute? Sen. Flakoll said that it could be done, but feels they should let the people decide if this is what they want.

Rep. Hawken: Asked if Sen. Flakoll was aware of HCR 3016 and if so, how is this different. Sen. Flakoll replied that 3016 required to put the fiscal impact on the ballot. This does not.

Rep. Devlin: This promotes openness in government. This lets the people decide if they want the Legislature to do this.

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Joint Constitutional Revision Committee
Bill/Resolution Number HCR 3069
Hearing Date February 26, 2003

Rep. Maragos: Why not do this anyway as a Legislative assembly? Why not have Legislative Council do this? Rep. Devlin said that the people should tell us so that it does not seem like it is coming from the Legislature only.

Sen. Tollefson: Looking at lines 21-24, is this permissive, not mandatory. Rep. Devlin agreed that yes, this is permissive

Rep. Winrich: Doesn't the media already do this? Rep. Devlin said that the members of the free press do a great job, but the information is so varied and voters get confused when one paper differs from another. Rep. Winrich then asked why they single out this issue than to depend on the free press. Rep. Winrich then added that OMB, the Bank of ND, and private firms gave the initiative fiscal numbers and he is not sure they were partisan estimates. Rep. Devlin believes people are better served if the numbers come from one place.

Rep. Maragos: Do you not see Legislative Council as partisan? No, he doesn't consider them partisan.

Glenn Baltrusch: Opposed with written testimony.

K.W. Simons: Opposed with written testimony.

Roger Johnson: Opposed with written testimony.

Mark Sitz (ND Farmers Union): Opposed to HCR 3069. From an information standpoint, more is better, but he does not want initiated measure to be more prohibitive.

Ralph Muecke: Opposed HCR 3069. Says it is much like 3016, which was doomed for failure. This creates abuse of the IR & R process. This opens the process and will create more problems. Says 3069 is unconstitutional.

Russell Odegard: Opposed. Do not need a change in law to get a fiscal report.

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Joint Constitutional Revision Committee

Bill/Resolution Number HCR 3069

Hearing Date February 26, 2003

Mrs. Gary Zentz: It's a privilege to have the initiative process. Opposed to 3069.

Tom Bauman: Opposed.

Chair Kretschmar: Closed hearing on HCR 3069

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3069

Joint Constitutional Revision Committee

Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1	X		2741-3140

Committee Clerk Signature *Elizabeth R. Linn*

Minutes: **Chair Kretschmar**: Opened discussion on HCR 3069.

Sen. Nichols moved DNP on HCR 3069. 2nd by Rep. Maragos.

Sen. Nichols: The problem with fiscal notes is that we always show the costs and never the rewards. Fiscal notes would be tough to do.

Vote: **2** Yes **1** No **0** Absent and not voting

Carriers: Rep. Maragos Sen. Seymour

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10/16/03
Date

LR

Date: 3/5
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3069

House Joint Constitutional Revision Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Nichols Seconded By Maragos

Representatives	Yes	No	Senators	Yes	No
Rep. Kretschmar, Chair	✓		Sen. Tollefson, Co-Chair	✓	
Rep. Maragos	✓		Sen. Mutch		✓
Rep. Hawken	✓		Sen. Krebsbach	✓	
Rep. Eckre	✓		Sen. Nichols	✓	
Rep. Winrich	✓		Sen. Seymour	✓	

Total (Yes) 9 No 1

Absent _____

Floor Assignment Maragos Seymour

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

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Yolanda Richardson 10/16/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
March 6, 2003 11:08 a.m.

Module No: HR-40-4077
Carrier: Maragos
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HCR 3069: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman)
recommends DO NOT PASS (9 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).
HCR 3069 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-40-4077

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2003 TESTIMONY

HCR 3069

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Yolanda Richardson
Operator's Signature

10/16/03
Date

Roger Johnson
Agriculture Commissioner
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**Testimony of Roger Johnson
Agriculture Commissioner
House Concurrent Resolution No. 3069
Joint Constitutional Revision Committee
Prairie Room
February 26, 2003**

Chairman Kretschmar and members of the House Constitutional Revision Committee, I am Agriculture Commissioner Roger Johnson. I am here today in opposition to HCR 3069, which grants the legislative assembly the authority to provide a procedure for determining the fiscal impact of initiated measures.

Preserving the people's constitutional rights

Every piece of legislation introduced in this legislature should be in the best interest of our citizens. Section 1. of the North Dakota Constitution gives the people the right to "propose and enact laws by the initiative...to approve or reject legislative Acts, or parts thereof, by the referendum...and to propose and adopt constitutional amendments by the initiative." That section concludes with this statement: "Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers." Clearly, it was the people's intention for these powers to be safeguarded.

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