

2009 HOUSE CONSTITUTIONAL REVISION

HCR 3062

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3062

House Constitutional Revision Committee

Check here for Conference Committee

Hearing Date: 03/02/09

Recorder Job Number: 9985

Committee Clerk Signature

Lou Engleson

Minutes:

Chairman Koppelman opened the hearing on HCR 3062.

Rep. Scot Kelsh: My name is Scot Kelsh, State Representative from Fargo. I am here to introduce HCR 3062 to be placed on the ballot for the next general election. It's a constitutional measure to allow the voters of North Dakota to extend the number of days the assembly is allowed to meet during each biennium from 80 days to 100 days. I'll pass around a sheet with the number of days we met since statehood. (See Attachment #1) Quickly, what this does is allows for an amendment for a constitutional change. It is not required that they use all the days. It does not change any bill introduction deadline. What it does is give our assembly some flexibility. More time for testimony. More time to get accurate fiscal notes. In 1975 the 44th legislative assembly passed a constitutional resolution to extend the session from 60 to 80 days. It was subsequently passed on to the voters in the 1976 primary election, and we've been operating under that deadline since. You'll note that since 2001 we have pushed up to that 80-day limit, close to that 80-day limit every session. In the 1977-79 biennium, it was the first time the legislature operated under the 80-day rule. Our state budget was a total of \$1.14 billion. (See Attachment #2) This time we are operating under a budget of \$7.8 billion which is about roughly seven to eight times that amount. Yet we are still given the

same amount of time. We've all heard comments made that we don't have enough time to have a fair hearing or to get the information we need. This gives us an opportunity to have that flexibility. We also need to be respectful and responsible to our citizens and provide them with good government. I think that this extra time will allow us to do that. This is a newspaper article from 1975 when the house passed the amendment. (See Attachment #3)

Rep. Conrad: What about the fact that it's hard enough to recruit people to come now.

Rep. Kelsh: We need to make a trade off between a citizen's legislature versus giving ourselves more time. We need to decide what that trade off is. Are we giving our citizens enough and respect to hear them. Certainly I will admit this probably does open the door to sessions that are every two years.

Rep. Hatlestad: Would you say this has the potential to reek havoc with the rural districts which many of them are farmers, and if you add 20 days, they're not coming. They can't run.

Rep. Kelsh: There is that trade off. We need to hear the citizens of North Dakota. This does open the door to having sessions later in the year. Maybe having a session in the spring and come back in the fall.

Rep. Schatz: The fiscal note shows \$1,334,000 for the year 2009-2011. Is that reasonable figure as far as you're concerned?

Rep. Kelsh: I haven't seen the fiscal note.

Rep. Uglem: Have you compared the number of dollars we spent back in 1975-77 to the dollars we are spending now? Do you think that the value of the dollars we are spending now is much more than what we were spending back then?

Rep. Kelsh: The question is are we getting as much bang for our buck as a legislature for those dollars or is the value of the dollar less than it was then.

Chairman Koppelman: In your research, did you find out what the vote was when the people voted on the expansion from the 60 to 80 days.

Rep. Kelsh: The primary was in 1976. The vote was 60,587 to 60,145.

Rep. Schneider: The resolution allows up to 100 days, right?

Rep. Kelsh: Absolutely. We certainly are not requiring to use all the 100 days.

Chairman Koppelman: I believe it is up to the legislature to determine when we meet and how often. As Rep. Kelsh said it could be spring and fall. It could be annually versus biannually. Up until relatively recently, the legislature was not able to call itself back into session. It required the governor calling the legislature back. That's one of the reasons that a few days have been left so that if something comes up we need to deal with, we can come back into session and not wait for the governor to call us if we need to come back. We can do it ourselves.

Rep. Kelsh: There is no requirement that if the governor calls us back in (inaudible) and deal with a bill, the governor is not required to call us back in.

Chairman Koppelman: However, I believe if the governor does call us into session for some purpose for a special session, that doesn't count against our constitutional limit either. Any other questions for Rep. Kelsh? Further testimony in support of HCR 3062? Any testimony in opposition to HCR 3062? Neutral testimony to HCR 3062? Seeing none we'll close the hearing on HCR 3062.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3062

House Constitutional Revision Committee

Check here for Conference Committee

Hearing Date: 03/05/09

Recorder Job Number: 10326

Committee Clerk Signature

Lou Engusa

Minutes:

Chairman Koppelman opened the hearing on HCR 3052.

Chairman Koppelman: This is Rep. Kelsh's resolution similar to the one we talked about earlier except this moves it from 80 to 100 days instead of 80 to 120 days for legislative session.

Rep. Griffin: I move a do not pass.

Rep. Meier: Second.

Chairman Koppelman: Motion by Rep. Griffin. Second by Rep. Meier for a do not pass on HCR 3062. Is there discussion? I'll ask the clerk to call the roll.

The roll was called by the clerk.

9 yes, 0 no, 0 absent and not voting. Rep. Meier was assigned to carry the resolution.

FISCAL NOTE
Requested by Legislative Council
02/20/2009

Bill/Resolution No.: HCR3062

1A. **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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$0		\$0
Appropriations				\$0		\$0

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

House Concurrent Resolution No. 3062 is a proposed amendment to section 7 of Article IV of the Constitution of North Dakota to increase the maximum number of days the Legislative Assembly may meet in regular session from 80 days to 100 days.

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.*

The potential fiscal impact of the constitutional amendment if approved by the voters in the November 2010 general election would be dependent upon the number of actual days the Legislative Assembly is in session. Each legislative day the Legislative Assembly is in session is estimated to cost approximately \$58,000.

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 budget request for the Legislative Assembly for the 2009-11 biennium includes funding for a 77 legislative-day 2011 session. If the 2011 Legislative Assembly would meet for additional days, the estimated cost of these additional days would range from \$58,000 for one day to \$1,334,000 for the 23 additional days, the maximum allowed under the proposed constitutional measure.

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.*

Name:	Allen H. Knudson	Agency:	Legislative Council
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Phone Number: 328-2916

Date Prepared: 02/24/2009

Date: 03/05/08
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3062

**HOUSE CONSTITUTIONAL
REVISIONS COMMITTEE**

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP DNP DP AS AMEND DNP AS AMEND

Motion Made By Griffin Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Conrad	✓	
Vice Chairman Kretschmar	✓		Rep. Griffin	✓	
Rep. Hatlestad	✓		Rep. Schneider	✓	
Rep. Meier	✓				
Rep. Schatz	✓				
Rep. Uglen	✓				

Total Yes 9 No 0

Absent 0

Floor Carrier: Meier

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

DNP

REPORT OF STANDING COMMITTEE (410)
March 5, 2009 4:35 p.m.

Module No: HR-40-4174
Carrier: L. Meler
Insert LC: . Title: .

library

REPORT OF STANDING COMMITTEE

HCR 3062: Constitutional Revision Committee (Rep. Koppelman, Chairman)
recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3062 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

HCR 3062

April 2007

LEGISLATIVE SESSIONS - DATES OF CONVENING AND ADJOURNING SINCE STATEHOOD

Session	Year	Convened	Adjourned	Legislative Days
1	1889	November 19	March 18, 1890	119
2	1891	January 6	March 6	60
Special session	1892	June 1	June 3	
3	1893	January 3	March 3	60
4	1895	January 8	March 8	60
5	1897	January 5	March 5	60
6	1899	January 3	March 3	60
7	1901	January 8	March 8	60
8	1903	January 6	March 6	60
9	1905	January 3	March 3	60
10	1907	January 8	March 8	60
11	1909	January 5	March 5	60
12	1911	January 3	May 4	60
13	1913	January 7	March 7	60
14	1915	January 5	March 5	60
15	1917	January 2	March 2	60
Special session	1918	January 23	January 29	
16	1919	January 7	March 1	54
Special session	1919	November 25	December 11	
17	1921	January 4	March 4	60
18	1923	January 2	March 2	60
19	1925	January 6	March 6	60
20	1927	January 4	March 4	60
Special session	1928	January 10	January 17	
21	1929	January 8	March 8	60
22	1931	January 6	March 6	60
23	1933	January 3	March 3	60
24	1935	January 8	March 8	60
25	1937	January 5	March 5	60
Special session	1937	March 8	March 10	
26	1939	January 3	March 3	60
27	1941	January 7	March 7	60
28	1943	January 5	March 5	60
Special session	1944	March 20	March 28	
29	1945	January 2	March 2	60
30	1947	January 7	March 7	60
31	1949	January 4	March 4	60
32	1951	January 2	March 2	60
33	1953	January 6	March 6	60
34	1955	January 4	March 4	60

Attachment #1

Session	Year	Convened	Adjourned	Legislative Days
35	1957	January 8	March 8	60
36	1959	January 6	March 6	60
37	1961	January 3	March 3	60
38	1963	January 8	March 8	60
39	1965	January 5	March 5	60
Special session	1965	June 14	June 21	
40	1967	January 3	March 3	60
41	1969	January 7	March 18	61
42	1971	January 5	March 16	59
43	1973	January 2	March 16	53
44	1975	January 7	March 26	57
45*	1977	January 4	April 7 (Thursday)	67 - S** 68 - H
46	1979	January 3	March 29 (Thursday)	61
47	1981	January 6	March 31 (Tuesday)	60
Reconvened	1981	November 16	November 19	Total 64
48	1983	January 4	April 20 (Wednesday)	75
Special session	1984	Morning of December 6		1
49	1985	January 8	April 5 (Friday)	62
Special session	1986	December 2	December 5	4
50	1987	January 6	April 19 (Sunday)	73
51	1989	January 4	April 20 (Thursday)	75
52	1991	January 7	April 11 (Thursday)	67
Special session	1991	November 4	November 8	5
53	1993	January 5	April 24 (Saturday)	77
Special session	1994	June 29	July 1	3
54	1995	January 3	April 7 (Friday)	67
55	1997	January 6	April 11 (Friday)	66
56	1999	January 5	April 17 (Saturday)	71
57	2001	January 9	April 29 (Sunday)	77
Special session	2001	November 26	November 30	5
58	2003	January 7	April 25 (Friday)	76
Special session	2003	May 5	May 7	3
59	2005	January 4	April 23	76
60	2007	January 3	April 25	78

***NOTE:** The measurement of days is based on journal entries and does not reflect additional days which were used by "covering the clock" which was possible before the constitution was amended in 1976 to measure time using natural days instead of legislative days.

**In the 1977 session the Senate met on Saturday, April 2, but the House did not; thus, the discrepancy.

1987 House adjourned: 12:06 a.m. on April 19, 1987

1987 Senate adjourned: 12:04 a.m. on April 19, 1987

2001 House adjourned: 4:23 a.m. on April 29, 2001

2001 Senate adjourned: 4:18 a.m. on April 29, 2001

June 1983

**MEMORANDUM ON TOTAL GENERAL FUND AND SPECIAL FUND
APPROPRIATIONS FOR THE BIENNIUMS 1967-69 THROUGH 1983-85
AND THE RELATIONSHIP TO TOTAL PERSONAL INCOME**

The following schedule presents the combined total of general and special fund appropriations for the 1967-69 through 1983-85 bienniums. It includes an analysis of the relationship between this total and the total personal income in the state. This analysis points out that the percentage of total general and special fund appropriations to personal income has varied with the highest percentage occurring in the 1981-83 biennium and the lowest percentage occurring in the 1973-75 biennium.

The biennial appropriation totals include major deficiency appropriations for the various bienniums made by subsequent Legislative Assemblies. The special fund appropriation totals do not necessarily reflect total expenditures of special funds since in some instances federal funds and certain fees are not appropriated. For example, the institutions of higher education spend federal funds and auxiliary service fees without specific legislation appropriation.

TOTAL GENERAL FUND AND SPECIAL FUND APPROPRIATIONS FOR THE
BIENNIUMS 1967-69 THROUGH 1983-85 AND THE
RELATIONSHIP TO TOTAL PERSONAL INCOME

Biennium	Total General Fund Appropriations ^{1/}	Total Special Fund Appropriations ^{1/}	Grand Total General Fund and Special Fund Appropriations	Total Personal Income	Percentage of Total General Fund and Special Fund Appropriations to Total Personal Income
1967-69	\$ 145,638,671	\$ 205,351,205	\$ 350,989,876	\$ 3,326,700,000 ^{2/}	10.55%
1969-71	183,686,131	261,745,459	445,431,590	3,869,200,000 ^{2/}	11.51%
1971-73	226,255,732	267,845,499	494,101,231	4,840,000,000 ^{3/}	10.21%
1973-75	297,820,935	356,127,664	653,948,599	7,620,000,000 ^{3/}	8.58%
1975-77	442,529,561	436,181,752	878,711,313	7,470,000,000 ^{3/}	11.76%
1977-79	575,067,852	565,096,709	1,140,164,561	8,800,000,000 ^{3/}	12.96%
1979-81	680,417,154	772,341,770	1,452,758,924	11,270,000,000 ^{3/}	12.89%
1981-83	910,249,232	1,205,292,293	2,115,541,525	14,450,000,000 ^{3/}	14.64%
1983-85	1,005,111,046	1,139,498,982	2,144,610,028	16,625,000,000 ^{4/}	12.90%

^{1/} Appropriation amounts are restated to reflect, where appropriate, deficiency appropriations provided by a subsequent Legislative Assembly.

^{2/} Source: "Personal Income and State Expenditures," a report to the Legislative Council's Budget "B" Committee, June 11, 1975

^{3/} Source: Chase Econometrics Associates, Inc., Regional Forecasting Service

^{4/} Estimated amount from Chase Econometrics Associates, Inc., Regional Forecasting Service.

Attachment #2

Hearings Calendar

Legislative hearings listed for Monday.

SENATE
Appropriations
 8:30 a.m., Gold Room—HB1006, Securities Commission, banking and financial institutions, Aeronautics Commission; HB1015, Milk Stabilization Board, Livestock Sanitary Board, Veterinary Medical Board; HB1010, Jamestown Hospital, South Central Mental Health, mental health and retardation centers.

Education
 8:30 a.m., Room G-2—HB1074, requires income tax forms to contain a method for the taxpayer to identify the school district in which he resides; HB1440, substitutes school district clerk for school district treasurer in certain sections of state law; HB1074, would permit a mill levy for transportation purposes, HB1463, allows medical training in federal hospitals and under the direction of a perceptor.

Finance and Taxation
 9 a.m., Atty. General's Licensing Room—HB1583, taxes property of the U.S. or political subdivisions held under lease; HB1526, places limits on the amount of dividends received by a taxpayer that will be exempt from N.D. income tax; HB1305, concerns the installation of tangible personal property in real estate located outside the state; HB1075, provides for an initiation credit against income taxes payable by individuals; HB1239, amends a law to allow that taxable income of a corporation shall be reduced by the amount of federal income taxes paid during that year adjusted by any federal income tax refunds; HB1609, provides for reapportionment of the state.

Industry and Business
 9 a.m., Traill County Room—HB1176, relates to unfair insurance practices; HB1301, requires publication of abstracts on annual statements of insurance; HB1222, extends the territorial limits of a county mutual insurance company; HB1244, puts hospitals and medical service corporations under the Unfair Insurance Practice Act; HB1404, raises fee charged by abstractors; HB1277, increases the daily compensation for members of the State Electrical Board; HCR3040, directs the N.D. Workmen's Compensation Bureau to study the feasibility of dedicating the income from reserve funds for the purpose of increasing weekly benefit amounts for workmen's compensation claimants who receive outdated benefits; HCR3050, requests Congress to study the necessity for an act to enact legislation and regulations required for the proper labeling of hazardous industrial chemicals and other substances.

Judiciary
 9 a.m., Room 207—HB1405, sets rates charged for legal notices; HB1465, creates the office of public defender; HB1190, provides for a real estate education, research and recovery fund.

State and Federal
 Morning, Room 205—no new hearings.

HOUSE
Appropriations
 8 a.m., Lewis and Clark Room—SB2740, relates to reporting fire insurance policy premium collections; SB2289, relates to establishing a state financed program of reparations to persons who suffer personal injury; SB2775, relates to the removal of certain officers by the governor and provides for the creation of a commission on judicial qualifications; SB2496, relates to availability of appropriations.

Education
 9 a.m., Blue Room—SB2480, relates to definition of a nonresident teacher for tuition; SB2301, extends the definition of a teacher; SB2455, requires transportation services in territory annexed to school districts; SB2024, changes the responsibility for verifying junior college students from the Boards of Higher Education and Vocational Education to the State Board of Public School Education.

Industry and Business
 7 a.m., Room G-5-6—SB2415, defines, licenses and regulates the business of lending; SB2479, relates to franchises; SB2234, relates to definition of disqualification for unemployment compensation benefits; SB2231, relates to interest and penalties for failure to pay contributions and file reports for unemployment compensation; SB2230,

relates to schools of hairdressing and cosmetology and shops; SB2187, relates to injunctions and reciprocity regarding plumbers; SB2145, provides for health and welfare by ensuring workmen's compensation claimants services necessary to assist the claimant in the adjustments required by the injury to the end that the claimant may receive compensation rehabilitation services; SB2144, relates to qualifications of the chief boiler inspector, rules, regulations and fees for inspection.

Minot (N.D.) Daily News
 Saturday, Mar. 8, 1975

House Backs Proposal For 80-Day Limit

BISMARCK, N.D. (AP) — North Dakota voters may be able to approve lengthening the time the state legislature is in session under a Senate resolution approved by the House 55-39 Friday.

The resolution, which was sponsored by Sen. Pam Holand, D-Fargo, provides that sessions of the legislature could go up to 80 days during any biennium. The 80 days would not have to be consecutive.

Only those days used for floor action would count against the 80 days, and organizational sessions or special sessions would not fall under the 80-day limit.

The resolution calls for voters to decide the issue at the 1976 primary election.

In addition, the measure would require legislative days to correspond to the 24-hour calendar day. Currently, legislative days run from 2 a.m. one day until 2 p.m. the next.

Some legislators said the resolution would not be popular with voters and would probably be rejected. Rep. Earl Rundle, R-New England, said, "If we have special sessions for emergencies, that's fine," but added that he opposed increasing the session's length.

"What this would do is just give us more time," said Rep. Perry Irving, D-Grand Forks. "We should let the people have a chance to voice their opinion on it."

The bill's supporters also

said the "flexible sessions" would allow more time for adequate committee hearings and review of legislation and there would be more time for citizens to be aware of pending legislation so they could express opinions.

In other action, the House passed 55-44 a bill that limits the number of persons employed by the state to the number of employ positions approved by the Legislature.

It also requires state agencies, departments and institutions to file quarterly reports with the executive office of the budget outlining their personnel status.

Rep. Eugene Nicholas, R-Cando, said it would help the Legislature keep track of employees hired by state agencies and would provide some sort of ceiling on personnel hiring during the interim.

However, Rep. Art Raymond, R-Grand Forks, said he was concerned the bill would mean many necessary jobs funded from federal money might be cut.

"If this bill passes, we'd be cutting out many jobs at North Dakota's colleges and universities," Raymond said.

Opponents said it would affect employes currently funded through the federal Public Employment Program and the Comprehensive Employment and Training Act of 1973.

Another bill approved 83-16 authorized the State Board of Higher Education to "thoroughly investigate" the possibility of reciprocal agreements with Montana, South Dakota, and Minnesota.

The House also voted 70-23 to indefinitely postpone a Senate bill providing for no-fault auto insurance.

The Senate measure had been supported by the North Dakota Bar Association.

A House bill also providing for no-fault insurance is still alive in the Senate. That bill was introduced at the request of J.O. Wigen, state insurance commissioner, and was favored by many insurance associations.