

2019 HOUSE JUDICIARY

HCR 3006

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HCR 3006
2/27/2019
32940

- Subcommittee
 Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to reconvening of the legislative assembly to consider a veto.

Minutes:

1,2,

Chairman Koppelman: Opened the hearing on HCR 3006.

Rep. Delzer: Introduced the bill. Went through the HCR. The governor has 15 business days after we adjourn would allow a veto session. (Attachment #1) We should think about 25 business days; that might have been done because management meets almost immediately and then shortly after to pick the studies. If the governor has 15 days that might only leave a window of 10 days so I am not sure that would be enough? I think we should look at having the opportunity to do that. The past few sessions we have been bumping up in the end and using most of our days so that is one of the reasons I have brought this forward.

Rep. Jones: How long does it take to resolve that type of situation like the vetoes we had last session that we want to deal with.

Rep. Delzer: One day should handle it.

Rep. Paur: Do you think changing that 25 to 30 be adequate?

Rep. Delzer: Maybe you want to go to 35 or 45. That would be two meetings after 15 days.

Rep. Jones: Does there seem to be a problem to do this?

Rep. Delzer: That is why it is a constitutional measure. That is why you go to the vote of the people. We had three days left last session. Now we can do that but it counts against our 80 days.

Chairman K. Koppelman: The legislature can currently call itself back into session if we have days remaining for a purpose like this, but it would be limited to the 80-day window total. When the Governor calls us back in for a special session it doesn't count against our 80 days.

Rep. Delzer: I do not think the governor would do that. You might want to see how many other states do that?

Chairman K. Koppelman: Is there any limit in law or the constitution that limits the legislatures window of time to act on a veto.

Rep. Delzer: No there is nothing. I am not sure a 10-day window is enough for management.

Chairman K. Koppelman: Would it be wise to have some time limit on the window of time you want to act on them?

Rep. Delzer: I think you would want to act on them really fast. Policy bills take effect August 1; budget bills take effect July 1.

Opposition:

Mike Nowatzki, Governor's Office Communications Director: (Attachment #2) Went over testimony. (9:20-11:40)

Rep. Jones: The governor's office biggest concern is the dollar amount?

Mike Nowatzki: That would be one of the two concerns. Additional cost to tax payers; and then the growth of government of having additional legislative days.

Rep. Jones: If we checked only this and saved some money your concern would be lessened?

Mike Nowatzki: The \$58,000/day estimate from legislative counsel is the minimum dollar amount when there is a special session.

Rep. McWilliams: What is the Governor's office proposal if in fact we ended up running up against 80 days; but there are in fact veto's that the Governor's office had but it would take an action from the Governor's office to have a special session to override those veto's?

Mike Nowatzki: If you look at the memo that was provided the veto was only used once going back into the 50s. Historically the legislature has been able to save days including the last session.

Rep. McWilliams: How would this hurt if you put something in the constitution I fail to see how this would hurt since it is not used, but in the event that it would come up at least we could do it.

Mike Nowatzki: The current 80-day limit was placed into constitution by voters back in 1976; it was a 60-day limit before that; it would be up to the voters to determine if they wanted to change it.

Chairman K. Koppelman: I remember the coving of the clock. In five out of the last 6 sessions there were fewer than 3 days left. What is your solution then? The effective ability of dealing with a veto and check and balance is gone. The concern is the legislative branch of government doesn't have effect a check and balance if the session runs anywhere close that 80-day limit because the effective ability of dealing with a veto is gone; how do you resort that check and balance?

Mike Nowatzki: Even last session it was stated that it could have been taken care of in one day. Therefore, I don't think you would need the 3 days to address vetoes.

Chairman K. Koppelman: Your concern for the fiscal responsibility is reflected in the Governor's budget?

Mike Nowatzki: Yes

Rep. Jones: Do you know from the last session; when did the Governor know he was going to veto those four or five bills?

Mike Nowatzki: At the end of session after reviewing those bill when he received them.

Chairman K. Koppelman: Has the Governor run a cost analysis of the cost of a law suit both bringing and defending vetoes? What was the cost of the tax payers versus what you were objecting to here?

Mike Nowatzki: I would have to get back to you on that.

Neutral: None

Hearing closed,

Motion Made to amend to change on line 23 and change the 25 to 45 days by Rep. Vetter; Seconded by Rep. McWilliams

Discussion:

Rep. Jones: Does anyone know how often they met. The sponsor of the bill said he would be more comfortable meeting twice.

Chairman K. Koppelman: They meet immediately after the session. Something like this legislative management would act upon it right away. The effective date of those bills would be when you want to meet.

Rep. Rick Becker: I like the amendment; I support it.

Voice vote carried.

Do Pass as Amended by Rep. Satrom; Seconded by Rep. Vetter

Discussion:

Rep. Rick Becker: I think we have we now have discretion to use however many days we see fit. What we are doing is allowing the likely hood of prolonging things instead of being efficient. In the 70s and 80s they had literally 50% more bills than we have had these last few sessions and still got done with anywhere from 5-15 days left so that shows we have the ability if we want. I am concerned about allowing us to go right up to the edge of 80 days; we already did not count legislative days and we still got paid; and if desired the future legislature could have two days on cross over to use where we are getting paid; but not count as legislative days so there is all of those maneuvers to bring us here; getting paid and what we need to do is focus on getting our job done with left over days the way it was intended in the constitution and quit trying to expand government. I completely oppose the resolution.

Representative Simons: Let's say if we had a democrat as Governor. This is giving them power and I like that. so if we were the minority it is beneficial for it to work the way it always has worked. I don't understand how this piece of legislation is even needed. I think it is a horrible bill.

Rep. McWilliams: Sometimes I feel the 80 day forces us to get our work done; but sometimes in a session like this we have 900 plus bills and we try to rush things.

Rep. Vetter: I don't see this as expanding government. All this bill is trying to address is what if the Governor just waits till the very end to veto so it would give the legislatures a chance of one day. If we don't have those days how do we actually have that power. I am going to support this.

Rep. Magrum: I think we should limit the amount of bills each legislature can put in and then they would have to pick bills that are really important so we could have a lot better legislation. If you have a good bill and the limit is five per legislature; if someone has a really good idea they can find somebody who only has three good ideas and spread them around.

Rep. Rick Becker: The expansion of government is not just one day. It is a continuous progression. We expanded it by two days beginning by not counting cross over. These days keep adding up. This doesn't say one day. Why not just do our work and get it done according to the constitution instead of our unwillingness to look for efficiencies.

Chairman K. Koppelman: I don't think our focus should be on whether we are expanding government here or not. There is nothing against the law to do this now. If we would look at the growth of our government in our state since statehood and look at the different branches, I think it would be a pretty remarkable study. How much has the judiciary, legislative expanded? I try to look at the constitutional question here. That is separations of power and checks and balances. It is the responsibility of the legislative branch to have a check and balance over the executive branch, just as it is the Governor's responsibility to have check and balance over the legislature and that is exercising the veto. The legislature has the right to override the veto and we essentially give that right up if we are up against our base. We could make sure we could leave a few days for the session now. There has never been a veto session. We are two separate branches of government so there is a natural tension between the two.

Rep. Jones: It would have to be within the 80 days.

Roll Call Vote: 10 Yes 4 No 0 Absent **Carrier:** Rep. Satrom

Closed.

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Title.03000

Adopted by the Judiciary Committee

February 27, 2019

UM
2/27/19
1 of 1

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3006

Page 1, line 23, replace "twenty-five" with "forty-five"

Renumber accordingly

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 HCR 3006**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: Page 1, line 23, replace "twenty-five" with "forty-five"

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 Rep. Vetter Seconded By Rep. McWilliams

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Representative Buffalo		
Vice Chairman Karls			Representative K. R. Hanson		
Representative Becker					
Representative Terry Jones					
Representative Magrum					
Representative McWilliams					
Representative B. Paulson					
Representative Paur					
Representative Roers Jones					
Representative Satrom					
Representative Simons					
Representative Vetter					

Total (Yes) _____ No _____
 Absent _____
 Floor Assignment _____

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

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 HCR 3006**

House Judiciary 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 Rep. Satrom Seconded By Rep. Vetter

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	X		Representative Buffalo	X	
Vice Chairman Karls	X		Representative K. R. Hanson	X	
Representative Becker		X			
Representative Terry Jones		X			
Representative Magrum		X			
Representative McWilliams	X				
Representative B. Paulson	X				
Representative Paur	X				
Representative Roers Jones	X				
Representative Satrom	X				
Representative Simons		X			
Representative Vetter	X				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. Satrom

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

REPORT OF STANDING COMMITTEE

HCR 3006: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3006 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "twenty-five" with "forty-five"

Renumber accordingly

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

HCR 3006

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HCR3006
3/14/2019
#33749

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to reconvening the legislative assembly to consider a veto.

Minutes:

Att # 1 – Levi Bachmeier,

Chairman Davison: Let's open the hearing on HCR3006.

Rep. Delzer, Dist. 8: I am here to introduce this resolution. This will go to the vote of the people to consider vetoes. This calls us in 45 days after session. It is up to legislative management whether we do this but it does take a vote of the people to pass it. (3.27) Today it is considered 1 day. If management did not want to bring the whole legislature back for veto override, they would not have to do it. Questions? (3.56)

Sen. Kristin Roers: Have you ever looked at S.D. model works for the veto part?

Rep. Delze: No. I know a number of state's have this opportunity to come in for vetoes. I know if we did not use all 80 days, and come back to work a bill or veto, we could do it. I don't think you want to rely on it. I think we want to know if the people want us to have a veto session. (4.46) The governor has three days when in session, and he has 15 working days, when we are not in session.

Sen. Kristin Roers: S.D. has something similar. They go in for their 45 days' session and save one. They leave for a month and come and keep I bill to say they adjourned. Is it that we would have to save a bill, you would not like this approach?

Rep. Delzer: I would not have a problem, but I remember when we did use all 80 days. We did not have a choice. The reason we did not come in last session, is we had three days but we can call ourselves back into session. It takes three full days to put bills in and run from one chamber to the other and pass them. You have to have three days. (6.00) We need to be done in less than 76 days. The issue of waiting for 45 days, if you don't adjourn sine die, it becomes an IRS issue. We would not want to pay ourselves for 45 days. We have too many constitutional amendments already.

Sen. Richard Marcellais: I am not familiar with veto powers. When the governor vetoes, does he respond in writing to the legislative branch on why he vetoed it?

Rep. Delzer: Yes. We always receive a letter. If we are in session, someone reads the letter to us. Otherwise it is sent to management chair. Not all get to see it if we are out of session. It is on the record.

Chairman Davison: Line 4, it says this measure would require legislative assembly to reconvene in a special session with the sole purpose of considering an item or bill vetoed after adjournment. If you go to page 2, it state item or items of bills. Page 2, line 6, it says vetoed bills or items of bills. What does item mean. We should be the same all the way through. Consistent.

Rep. Delzer: Not sure if necessary. I have a letter from John Bjornson when I asked that question. Legislative Management does not have to set that. They can at their option.

Jeff Simon, Ex. Dir. Western Dakota Energy Assoc.: I am here on my own. I think that the N.D. Legislature does and should have a regular day to consider executive vetoes. SB2013 from last session, dealt with hub city funding for N.D. townships. The governor line item vetoed a portion of that and caused distress from supporters. I believe there would have been sufficient votes to override that veto. The days weren't there. I lobbied in S.D. legislature. S.D. regularly schedules a veto day. They come back on day 40 and consider vetoes. I think N.D. should have a process like S.D. (11.56)

Chairman Davison: Any opposition?

Levi Bachmeier, Governor's Office, Policy Director: (see att #1) We are in opposition to this resolution. We don't know what problem this resolution is trying to solve. Any questions?

Chairman Davison: Additional testimony in opposition? Close the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HCR3006
3/21/2019
#34071

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to reconvening of the legislative assembly to consider a veto.

Minutes:

Chairman Davison: Look at HCR3006. I checked on one thing and it did not need an amendment. Anyone else have concerns? What are the committee wishes?

Vice Chair Meyer: I look at this and we can already come back and if we have days on the calendar. I do not like amending the constitution for this. (1.02)

Sen. Erin Oban: I am not sure that the governor would call us back if we wanted to act on a veto of his or hers. Last session was a problem.

Chairman Davison: We are letting the people decide because this has to be voted on. I support this bill.

Sen. Kristin Roers: If we have no bills left, but we have days left, we can't call ourselves back in?

Chairman Davison: We could call ourselves back in.

Sen. Kristin Roers: So it is just that we need to be judicious with our time to me. I can see the benefit but it would be a mentality shift.

Sen. Shawn Vedaa: If we run out of our time, how do we get ourselves back in? Were we running out of time for a purpose? (3.01) What if a veto happens and there is nothing we can do. That is a good reason to pass this.

Chairman Davison: It gives us a tool. This is an advantage for us to have this. It enhances our ability to do our job.

Sen. Erin Oban: I like that it says sole purpose in the bill. It limits us. (4.28)

Senate Government and Veterans Affairs Committee
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Page 2

Sen. Shawn Vedaa: I move a DO PASS on HCR3006. **Sen. Erin Oban:** I second.

Chairman Davison: Take roll: **YES -- 5 No -- 2 -0-absent. HCR3006 PASSED.**
Sen. Shawn Vedaa will carry the bill.

Done (5.35)

REPORT OF STANDING COMMITTEE

HCR 3006, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3006 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HCR 3006

Delzer, Jeff W.

#1
HCR 3002
2-27-19

P.1

From: Bjornson, John D.
Sent: Thursday, January 3, 2019 4:31 PM
To: Delzer, Jeff W.
Subject: veto session resolution

Jeff,
Allen discussed your questions with me regarding the resolution for a veto session. With respect to the business that may be conducted under the draft, the sole purpose of the session would be to consider vetoed bills or vetoed items in appropriation bills. Lines 1 and 5 on page 2 both specifically state "the sole purpose" of the session would be to consider vetoed bills or items of bills. With respect to whether a veto consideration session would be required, the measure would require a veto consideration session only if the Legislative Management designates a time for reconvening. If the Legislative Management did not want to go back into session, there would be no session. We do not see any ambiguity in the language, but if there is someone who sees something we don't see we can discuss it further.
John

John Bjornson
Director
North Dakota Legislative Council
600 East Boulevard Avenue
Bismarck, ND 58505
701-328-2916

#2
HCR 3006
2-27-19
P.1

Testimony on House Concurrent Resolution 3006
Mike Nowatzki, Governor's Office Communications Director
Wednesday, February 27, 2019
House Judiciary Committee
Prairie Room
Representative Kim Koppelman, Chairman

Chairman Koppelman, members of the committee, for the record my name is Mike Nowatzki and I am here today on behalf of the Governor's Office respectfully in opposition to House Concurrent Resolution 3006.

As the Governor has stated in the past, a key underpinning of democracy is our system of checks and balances, and we respect the separation of powers as an essential element of good governance.

We acknowledge that nothing in House Concurrent Resolution 3006 infringes on the Governor's ability to exercise his veto authority, nor does it restrict the Legislative Assembly's ability to override a veto, thus preserving this check and balance that has served our citizens well.

Our concerns with this resolution are twofold:

Firstly, to exceed the current 80-day limit on legislative days – which has served North Dakota citizens well since voters approved the limit in 1976 – would create additional expense for taxpayers. Legislative Council has estimated the cost of a regular legislative session at \$80,000 per day and the cost of a special session at \$58,000 per day.

Secondly, this proposed constitutional amendment would only grow government. The Legislature already has the authority it needs to override vetoes and the ability to complete its work before reaching the 80-day limit, thereby saving days in case they are needed to address vetoes. This year, the Legislature has already “banked” days by not convening floor sessions during its first week of session, and both chambers completed their first-half work two days before the scheduled crossover recess. The 65th Legislative Assembly finished the 2017 session with three days to spare to reconvene and review vetoes at any time.

In light of the Legislature's proven track record of efficiency, and recognizing its existing ability to override vetoes and the cost to taxpayers of scheduling additional legislative days beyond the 80-day limit, one is left to wonder what problem this resolution is trying to solve.

We all share the goals of providing a structurally balanced budget, ensuring responsible government and funding our priorities. We believe we can achieve these goals within the current parameters wisely put in place by North Dakota voters and the framers of our Constitution.

Thank you, and I would stand for any questions.

#2
 HC R 3006
 2-27-19

P.2 **BILLS, RESOLUTIONS, AND LEGISLATIVE DAYS 1961-2017**

Regular Sessions								
Year	Bills Introduced			Resolutions of All Types Introduced			Total Bills and Resolutions Introduced	Legislative Days
	House	Senate	Total	House	Senate	Total		
1961	430	316	746	65	55	120	866	61
1963	389	361	750	65	66	131	881	69
1965	448	364	812	68	44	112	924	66
1967	443	406	849	68	78	146	995	61
1969	516	484	1,000	84	85	169	1,169	61
1971	560	512	1,072	106	101	207	1,279	63
1973	539	421	960	97	88	185	1,145	53
1975	615	497	1,112	108	89	197	1,309	56
1977	601	553	1,154	127	114	241	1,395	67
1979	695	488	1,183	97	92	189	1,372	61
1981 ¹	675	441	1,116	89	95	184	1,300	64
1983	737	502	1,239	103	66	169	1,408	75
1985	663	512	1,175	114	87	201	1,376	62
1987	687	562	1,249	104	71	175	1,424	73
1989	674	542	1,216	91	77	168	1,384	75
1991	614	596	1,210	74	77	151	1,361	67
1993	519	543	1,062	76	78	154	1,216	77
1995	502	539	1,041	48	71	119	1,160	67
1997	482	399	881	54	65	119	1,000	66
1999	495	442	937	82	60	142	1,079	71
2001	479	455	934	75	53	128	1,062	77
2003	504	420	924	80	42	122	1,046	76
2005	531	413	944	61	41	102	1,046	76
2007	522	419	941	66	41	107	1,048	78
2009	577	444	1,021	67	40	107	1,128	79
2011	472	369	841	52	27	79	920	78
2013	467	375	842	45	31	76	918	80
2015 ²	476	378	854	62	25	87	941	79
2017	435	344	779	38	16	54	833	77
Special Sessions								
1984 ³	0	0	0	2	0	2	2	1
1986 ⁴	4	6	10	1	1	2	12	4
1991 ⁵	1	8	9	1	2	3	12	5
1994 ⁶	1	0	1	0	1	1	2	3
2001 ⁷	1	1	2	0	0	0	2	5
2003 ⁸	3	3	6	0	0	0	6	3
2011 ⁹	5	2	7	2	1	3	10	5
2016 ¹⁰	0	1	1	0	0	0	1	3

¹1981 figures include four reconvened days - November 16-19, 1981.

²2015 figures include one reconvened day - June 16, 2015.

³1984 special session: December 6, 1984.

⁴1986 special session: December 2-5, 1986.

⁵1991 special session: November 4-8, 1991.

⁶1994 special session: June 29-July 1, 1994.

⁷2001 special session: November 26-30, 2001.

⁸2003 special session: May 5-7, 2003.

⁹2011 special session: November 7-11, 2011.

¹⁰2016 special session: August 2-4, 2016.

LEGISLATIVE SESSIONS - DATES OF CONVENING AND ADJOURNING SINCE STATEHOOD

#2
HCR 3006
2-27-19
P.3

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
35	1957	January 8	March 8	60
36	1959	January 6	March 6	60
37	1961	January 3	March 3	60

HCR 300L
2-27-19 P.4

Session	Year	Convened	Adjourned	Legislative Days
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	59
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 / 66 - 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 (Saturday)	76
60	2007	January 3	April 25 (Wednesday)	78
61	2009	January 6	May 5 (Tuesday)	79
62	2011	January 4	April 28 (Thursday)	78
Special session	2011	November 7	November 11	5
63	2013	January 8	May 4 (Saturday)	80
64	2015	January 6	April 29	78
Reconvened	2015	June 16	June 16	Total 79
Special session	2016	August 2	August 4	3
65	2017	January 3	April 27	77

*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.

April 19, 1987 adjournment: House at 12:06 a.m. and Senate at 12:04 a.m.

April 29, 2001 adjournment: House at 4:23 a.m. and Senate at 4:18 a.m.

**Testimony on House Concurrent Resolution 3006
Levi Bachmeier, Governor's Office Policy Director
Thursday March 14, 2019
Senate Government and Veterans Affairs Committee
Senator Kyle Davison, Chairman**

HCR 3006
3-14-19
AH #1
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Chairman Davison, members of the committee, for the record my name is Levi Bachmeier and I am here today on behalf of the Governor's Office respectfully in opposition to House Concurrent Resolution 3006.

As the Governor has stated in the past, a key underpinning of democracy is our system of checks and balances, and we respect the separation of powers as an essential element of good governance.

We acknowledge that nothing in House Concurrent Resolution 3006 infringes on the Governor's ability to exercise his veto authority, nor does it restrict the Legislative Assembly's ability to override a veto, thus preserving this check and balance that has served our citizens well.

Our concerns with this resolution are twofold:

Firstly, to exceed the current 80-day limit on legislative days – which has served North Dakota citizens well since voters approved the limit in 1976 – would create additional expense for taxpayers. Legislative Council has estimated the cost of a regular legislative session at \$80,000 per day and the cost of a special session at \$58,000 per day.

Secondly, this proposed constitutional amendment would only grow government. The Legislature already has the authority it needs to override vetoes and the ability to complete its work before reaching the 80-day limit, thereby saving days in case they are needed to address vetoes. This year, the Legislature has already "banked" days by not convening floor sessions during its first week of session, and both chambers completed their first-half work two days before the scheduled crossover recess. The 65th Legislative Assembly finished the 2017 session with three days to spare to reconvene and review vetoes at any time.

In light of the Legislature's proven track record of efficiency, and recognizing its existing ability to override vetoes and the cost to taxpayers of scheduling additional legislative days beyond the 80-day limit, one is left to wonder what problem this resolution is trying to solve.

We all share the goals of providing a structurally balanced budget, ensuring responsible government and funding our priorities. We believe we can achieve these goals within the current parameters wisely put in place by North Dakota voters and the framers of our Constitution.

Thank you, and I would stand for any questions.

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