

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2048

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2048

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2048

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 11, 2001

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|----------|
| 1 | X | | 0.6-23.7 |
| 1 | | X | 46.2-End |
| 2 | X | | 0.0-2.1 |
| Committee Clerk Signature <i>James R. Kade</i> | | | |

Minutes: Chairman Krebsbach called the committee to order. The clerk called the roll. The chairman indicated that Senator C. Nelson indicated that she had a commitment and would perhaps arrive some time later. At this time Chairman Krebsbach opened the hearing on SB 2048 which relates to compensation of members of the legislative assembly; to provide retroactive application, and to declare an emergency. The chairman indicated to the committee that there is a fiscal note attached to this bill. Appearing before the committee to explain the purpose of the proposed legislation was Jay Buringrud of Legislative Council. Mr. Buringrud reviewed the bill section by section. He indicated 2048 is related to a legislative rules change that was discussed and recommended by the committee and adopted by the senate and the house during their organizational session. That rule provided for the appropriations committee to meet for up to five days during the period between the organizational session and the regular session. Legislative management committee looked at that and was trying to consider some way of speeding up the legislative process and one of the ways was well maybe if the appropriations

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committees could start a little bit earlier maybe they could finish their work a little bit earlier and thus the legislature would not continue on later into the last part of April. The committee accepted that and recommended that for a legislative rules change. To go along with the rules change is this bill and what this bill does is provide that members receive the legislative per diem. Legislative session per diem is \$111.00 dollars per day, while legislative interim per diem is \$75.00 per day. They said if the appropriations committee is going to meet and discuss legislative session business, they should be receiving the same compensation they would be receiving during the legislative session. So that is what this change does in lines 10 through 12; provides that the per diem of \$111.00 per day is also payable for each day that member attends a meeting of legislative committee between the organizational session and the regular session as authorized by legislative rule. The rule that authorizes that is Senate rule 505. That authorizes the appropriations committee to meet. Therefore the members of the appropriations committees would be receiving the \$111.00 per day. This has a retroactive application date. If you look at section two of this bill. This section makes it retroactive after December 7. Then \$111.00 would only be payable to the appropriations committee members for last week, not during the organizational session or anything else because that doesn't provide for that. He indicated there is an emergency clause so that this will take effect right when it is filed with the Secretary of State. This concluded Mr. Buringrud's presentation. Questions were offered at this time.

Senator T. Mathern: I imagine you've looked at this, in some ways I wonder, is it really necessary to pass a law? I mean it almost seems like we are doing something beyond what would be required to pay our committee members. I suppose you've researched this but there must be some way that we as a legislature through our regular committee process can accommodate payment without passing a law. I'm thinking not so much that I'm concerned

about this but this is kind of an example of experimenting with the product and I'm wondering if there might be some other experiments that would be appropriate and I'm concerned that we not get ourselves too tangled into making laws to accommodate committee meetings. Mr. Buringrud indicated that the way the law is written now, legislators would be getting paid for attending a committee meeting, but the specific language of this section says if it's a, it's only during, you only get the \$111.00 pay during a session. For any committee meeting outside specified times you would receive \$75.00 per day and that is why this law is needed. If you pay members of a committee to meet any time outside the regular session parameters then this bill needs to be passed to do that. Chairman Krebsbach indicated she had a question. She indicated the legislature is limited to 80 days during the regular session. Does that mean our pay is limited to those 80 days as well? Mr. Buringrud indicated that legislative pay is on a calendar basis. The constitution specifically allows those 80 legislative days to be at any time during the biennial period. That limit is on the session, it is not a limit on the number of days you can receive per diem. Further questions were offered by Senators, Krebsbach, Dever, Wardner, and Kilzer. Mr. Buringrud offered responses to each. (Meter #'s 7.2 to 10.1) There were no further questions for Mr. Buringrud at this time. Senator Gary Nelson, Senate Majority Leader, representing District 22, appeared before the committee. He indicated that he supports this bill. He indicated he would start by answering the questions offered by Senators Kilzer and Dever. Inquiry into the effect on the fiscal note. This fiscal note won't change even if we have a shorter session, I mean just from the mechanical point. Will we save some time? Just to give you an update on what actually happened. I have had extremely positive feedback from the chairman of the appropriations committee and from a number of the members of the committee as to what they were able to accomplish in this four day period where they were able to focus entirely on the

committee hearings. During that time they didn't have the disruptions of having to run out to testify on other bills. They didn't have the disruptions of the session, all of the other things they are facing now. They feel that they are far more than four days ahead at this particular time. From his standpoint it has been extremely helpful to the senates process. He indicated he believed that we would be in a position where we are going to save some time at the end of the session. If we even save one day at the end of the session at this point I believe we are figuring about \$55,000 a day for the session. If we can save one day at the end we have far outweighed the cost that is presented in this bill of \$30,000. That is yet to be seen and we drafted that bill in a way that allows us the flexibility through legislative rule. As we continue over the last several sessions and what I see coming in the future. We're getting more committees, a couple of committees that are getting very large workloads. Some committees, we are having a hard enough time finding enough bills to keep them busy. I think we will adjust some of that through legislative management. Our IBL Committee, our Judiciary Committee are the two committees that really get an overload of bills. The Human Service Committee while it might not have the numbers usually has subjects that are really more in depth. The two day committees, your committee is probably the most or the busiest of all our two day committees. I have been looking for ways right now to take some bills from IBL, to take some bills from Judiciary, being able to assign them to other committees to try to even out that work load. We may see the time, I guess what I'm getting around to, we may see the time where we ask some of these other committees to come before the session and start dealing with their work load. Chairman Krebsbach inquired about the effect of the late start of the session this year. Senator Nelson responded. Senator T. Mathern expressed some concerns he had with the earlier work by committees and their affect on sessions. A response to these concerns was offered by Senator

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Nelson (Meter #'s 15.9 to 19.3). Also appearing before the committee was Rep. Mike Timm, District 5, Minot. He spoke in support of this piece of legislation. He asked for the committee's support of the bill. Comments and questions were offered by Chairman Krebsbach and Senator Kilzer. There were no further questions or comments. At this time Chairman Krebsbach closed the hearing on SB 2048. Discussion was opened on SB 2048. Senators Mathern, Wardner, Nelson, and Krebsbach made comments about this bill. Senator C. Nelson asked if this bill also pays the clerk and the secretary of the appropriations committee. Senator Wardner indicated that this bill deals only with the pay for the Senators not the auxiliary staff. Senators Mathern and Wardner exchanged comments on the pay issue for the committee. Some other concerns were brought up by Senator C. Nelson about this pay issue. Discussion continued. Tape 2, Side A, Meter #'s 0.0 to 2.1 Committee Action. Senator Wardner made a motion for a Do Pass on SB 2048, seconded by Senator Kilzer. Senator C. Nelson offered some comments on interim pay. There were no other comments. Roll Call vote indicated 6 Yes, 0 No, 0 Absent or Not Voting. Senator Wardner will carry the bill. There was nothing further, the committee was adjourned.

FISCAL NOTE

Requested by Legislative Council
12/14/2000

Bill/Resolution No.: SB 2048

Amendment to:

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.*

| | 1999-2001 Biennium | | 2001-2003 Biennium | | 2003-2005 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | \$30,235 | | \$33,765 | | \$33,765 | |
| Appropriations | | | \$12,039 | | \$33,765 | |

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

| 1999-2001 Biennium | | | 2001-2003 Biennium | | | 2003-2005 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The provisions of this bill allow legislators to receive legislative session pay for attending legislative committee meetings between the organizational session and the regular session as authorized by legislative rule.

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 expenditure amounts anticipate the House Appropriations Committee will meet for three days and the Senate Appropriations Committee will meet for three and one-half days between the organizational session and the regular session of the Legislative Assembly. The 1999-2001 amount is based on legislative pay of \$111 per day and mileage reimbursement of 25 cents per mile and the 2001-03 and 2003-05 amounts are based on legislative pay of \$125 per day and mileage reimbursement of 31 cents per mile.

