

N.D.A.G. Letter to Kane (Aug. 15, 1991)

August 15, 1991
Commissioner Milton W. Kane
Department of Veterans Affairs
15 North Broadway 6th Floor
Fargo, ND 58102

Dear Commissioner Kane:

Thank you for your August 1, 1991 letter asking about amendments to House Bill No. 1003 (HB 1003) adopted by the 1991 Legislative Assembly. You question the validity of these amendments because the committee hearing at which the amendments were adopted was not published. Based upon the following discussion, I conclude the amendments are valid and were properly adopted.

HB 1003 provides an appropriation for the North Dakota university system. Following numerous committee hearings the House Appropriations Committee adopted a number of amendments to the bill. The committee voted on these amendments at meetings of the committee held after public hearings on the bill.

There is no requirement that legislative committee hearings be "published". The meetings must be open to the public. Senate and House, Rules and Committees, J.R. 801, 52nd N.D. Leg. (1991). Notice of meetings must be posted. Senate and House, Rules and Committees, S.R. 505 and H.R. 505, 52nd N.D. Leg. (1991). However, after the hearings are completed a committee may postpone action on a bill for up to twenty-one days from the day the bill is referred to the committee. Senate and House, Rules and Committees, S.R. 506 and H.R. 506, 52nd N.D. Leg. (1991). Amendments may be proposed at subsequent meetings held on short notice. Proposed amendments to a bill are not "published" prior to action on those amendments by a legislative committee, whether the amendments are proposed at a public hearing or at a subsequent meeting held on short notice.

The constitution provides that "no bill may be amended on its passage through either house in a manner which changes its general subject matter." N.D. Const. art. IV, § 13. This provision requires that all matters treated by one piece of legislation be reasonably germane to one general subject or purpose. Sunbehm Gas, Inc. v. Conrad, 310 N.W.2d 766, 772 (N.D. 1981).

The House Appropriations Committee amended HB 1003 by adding two sections amending N.D.C.C. §§ 15-10-18.3 and 15-10-18.5 relating to free tuition in institutions of higher education for dependents or survivors of certain veterans and firefighters and peace officers killed in the line of duty. The amendments provide that tuition may be waived only upon a showing of financial need using the criteria used to determine eligibility for federal financial aid under Title IV of the Higher Education Act of 1965. The

new financial needs test will likely reduce the number of individuals who qualify for a tuition waiver and thus result in a reduction of general fund expenditures required to replace the tuition revenue lost when tuition waivers are granted. Therefore, the amendments deal with a matter which is germane to the general subject matter of House Bill No. 1003 and the amendments comply with the one-subject requirement.

I hope this information is helpful to you.

Sincerely,

Nicholas J. Spaeth