

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE MANAGEMENT

Wednesday, May 25, 2011
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Al Carlson, Chuck Damschen, David Drovdal, Jerry Kelsh, Shirley Meyer, Kenton Onstad, Dan Ruby, Don Vigasaa, Robin Weisz; Senators Robert Erbele, Joan Heckaman, David Hogue, Ray Holmberg, Gary A. Lee, Larry Robinson, Bob Stenehjem, Ryan M. Taylor

Others present: Allen H. Knudson, Legislative Council, Bismarck

See attached [appendix](#) for additional persons present.

It was moved by Senator Robinson, seconded by Senator Stenehjem, and carried on a voice vote that the minutes of the May 10, 2011, meeting be approved as distributed.

The assistant director reported that Mr. Jim W. Smith, Director, and other members of the Legislative Council staff were involved in efforts to protect their homes from flooding from the Missouri River.

EMPLOYEE ASSISTANCE PROGRAM

Chairman Carlson called on the assistant director to discuss the employee assistance program. The assistant director said during the current interim, members of the Legislative Assembly have the ability to access services through the St. Alexius employee assistance program. The assistant director said direction needs to be provided by the Legislative Management regarding the continuation of the employee assistance program through the St. Alexius program.

It was moved by Senator Stenehjem, seconded by Senator Holmberg, and carried on a roll call vote that the chairman of the Legislative Management be authorized to continue to use the St. Alexius employee assistance program for members of the Legislative Assembly. Representatives Carlson, Damschen, Drovdal, J. Kelsh, S. Meyer, Onstad, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, G. Lee, Robinson, Stenehjem, and Taylor voted "aye." No negative votes were cast.

2013 LEGISLATIVE CALENDAR

Chairman Carlson called on the assistant director to discuss the proposed [2013 Legislative Deadlines](#). The assistant director indicated that under the state constitution the 2013 legislative session will begin at 12:00 noon on the first Tuesday after the third day in

January which is Tuesday, January 8, 2013. He said that will be the date for convening the 2013 session unless the Legislative Management decides to set a different date. Representative Carlson said starting the session on a Tuesday allows sufficient time for legislators to travel after the weekend and provides a complete first week of the legislative session.

It was moved by Representative Vigasaa, seconded by Representative Drovdal, and carried on a voice vote that the Legislative Management approve the proposed start date of January 8, 2013, for the 63rd Legislative Assembly.

2011 LEGISLATION

The assistant director summarized a memorandum entitled [2011 Legislation Directly Affecting the Legislative Management and the Legislative Assembly](#). The memorandum describes legislation establishing new statutory committees, requirements for reporting to the Legislative Management or Legislative Assembly, and reporting or approval requirements of the Budget Section.

INTERIM COMMITTEE APPOINTMENTS

Chairman Carlson referred to an initial committee membership list that identifies 16 members for those committees that do not have membership limitations, e.g., the Advisory Commission on Intergovernmental Relations is limited to four legislators. He said the 16 members were allocated 12 to the majority and 4 to the minority, which reflects the party makeup of the Legislative Assembly. He said the 16 members were identified by descending order of their preference for the committee. He said the initial membership list also identifies those members not within the 16 but who expressed a preference for the committee.

Chairman Carlson announced the proposed chairmen and vice chairmen of the committees:

- Administrative Rules: Representative Kim Koppelman, Senator John M. Andrist.
- Advisory Commission on Intergovernmental Relations: Representative Lawrence R. Klemin, Representative Brenda Heller.
- Agriculture: Senator Erbele, Representative Dennis Johnson.
- Budget Section: Senator Tony Grindberg, Representative Chet Pollert.
- Commission on Alternatives to Incarceration: Senator Stanley W. Lyson, Representative William E. Kretschmar.

- Education Funding and Taxation: Representative RaeAnn G. Kelsch, Senator Dwight Cook.
- Employee Benefits Programs: Senator Dick Dever, Representative Randy Boehning.
- Energy Development and Transmission: Senator Rich Wardner, Representative Todd Porter.
- Government Services: Representative Jeff Delzer, Senator Lonnie J. Laffen.
- Health Care Reform Review: Representative George J. Keiser, Senator Jerry Klein.
- Health Services: Senator Judy Lee, Representative Vonnie Pietsch.
- Higher Education: Representative Bob Skarphol, Senator Tim Flakoll.
- Human Services: Representative Alon Wieland, Senator Gerald Uglen.
- Information Technology: Representative Weisz, Senator Joe Miller.
- Judiciary: Senator Dave Nething, Representative Stacey Dahl.
- Legacy and Budget Stabilization Fund Advisory Board: Senator Randel Christmann, Representative Keith Kempenich.
- Legislative Audit and Fiscal Review: Representative Ruby, Senator Terry M. Wanzek.
- Natural Resources: Representative Damschen, Senator Layton Freborg.
- Property Tax Measure Review: Representative Drovdal, Senator Dave Oehlke.
- Taxation: Senator Hogue, Representative Craig Headland.
- Transportation: Senator G. Lee, Representative Mark S. Owens.
- Tribal and State Relations: Senator David O'Connell, Senator Donald Schaible.
- Water-Related Topics Overview: Senator Tom Fischer, Representative Curt Hofstad.
- Workers' Compensation Review: Representative Gary R. Sukut, Senator George L. Nodland.

It was moved by Representative Vigesaa and seconded by Senator Erbele to approve the chairmen and vice chairmen as presented.

Representative Onstad questioned the lack of committee chairmen representing the minority party.

Chairman Carlson said he is concerned about continuity from the interim to the session. He said continuity is difficult to maintain if members of the minority chair interim committees.

Representative Onstad said the interim process is intended to be bipartisan. He said he disagrees with the reasoning about continuity. He said he does not view recommendations of interim committees as political. He said he does not think this is a change in the right direction.

After this discussion, **the motion carried on a roll call vote.** Representatives Carlson, Damschen, Drovdal, Ruby, Vigesaa, and Weisz and Senators

Erbele, Hogue, Holmberg, G. Lee, and Stenehjem voted "aye." Representatives J. Kelsh, S. Meyer, and Onstad and Senators Heckaman, Robinson, and Taylor voted "nay."

Chairman Carlson said the committee would recess for an hour to allow members to caucus and discuss the memberships as proposed.

Senator Stenehjem said he would not be attending the remainder of the meeting due to efforts to protect Bismarck from the flooding by the Missouri River.

Chairman Carlson reconvened the meeting at 10:40 a.m.

Chairman Carlson said the procedure to be used would be to review the proposed membership of each committee and entertain any suggested changes by Legislative Management members.

Regarding the Administrative Rules Committee, Representative J. Kelsh suggested Representative Amerman be added.

Regarding the Agriculture Committee, Representative Carlson suggested Senator Schaible replace Senator Wanzek and Representative Kingsbury be added. Senator Taylor suggested Senator Philip M. Murphy be added. Representative J. Kelsh suggested Representative Tom Conklin be added.

Regarding the Commission on Alternatives to Incarceration, Representative Carlson suggested Senator Connie Triplett be added.

Regarding the Education Funding and Taxation Committee, Representative Carlson suggested that Representative Grande replace Representative Lisa Meier and that Senator G. Lee replace Senator Freborg.

Regarding the Employee Benefits Programs Committee, Representative Carlson suggested Senator Ronald Sorvaag replace Senator Oley Larsen.

Regarding the Energy Development and Transmission Committee, Representative Carlson suggested Representative Sukut replace Representative Dahl, Senator Lyson replace Senator Sorvaag, and Senator Taylor replace Senator Jim Dotzenrod.

Regarding the Government Services Committee, Representative Carlson suggested Representative David S. Rust replace Representative Kempenich, Representative L. Meier replace Representative Boehning, Representative Vigesaa be added, and Senators Schaible and O'Connell be added. Representative J. Kelsh suggested Representative Phillip Mueller be added.

Regarding the Health Care Reform Review Committee, Representative Carlson suggested Senator Wanzek be removed, Senator Tim Mathern be added, and Representative Nancy Johnson be added. Representative J. Kelsh suggested Representative Lee Kaldor be added.

Regarding the Health Services Committee, Representative Carlson suggested Senator Mathern replace Senator Taylor.

Regarding the Higher Education Committee, Representative Carlson suggested Representatives Joe Kroeber and Gary Paur and Senator Triplett be removed and Representatives Joe Heilman, R. Kelsch, and Clark Williams and Senators Robinson and Mac Schneider be added.

Regarding the Human Services Committee, Representative Carlson suggested Senator J. Lee be removed and Representative Donald L. Clark be added. Representative J. Kelsh suggested Representative Kathy Hogan be added.

Regarding the Judiciary Committee, Representative Carlson suggested Representatives Kingsbury and Steven L. Zaiser be added.

Regarding the Legacy and Budget Stabilization Fund Advisory Board, Representative Carlson suggested Representative Gary Kreidt be removed and Representative Dave Weiler and Senator Dotzenrod be added.

Regarding the Legislative Audit and Fiscal Review Committee, Representative Carlson suggested Representative R. Kelsch be added. Representative J. Kelsh suggested Representative Corey Mock be added.

Regarding the Legislative Procedure and Arrangements Committee, Chairman Carlson said the membership of that committee traditionally consists of the leaders and assistant leaders, the Speaker of the House, and the interim President Pro Tempore.

Regarding the Legislative Redistricting Committee, Chairman Carlson said he would contact each leader for suggestions on membership. He said he is aiming for representation from around the state.

Regarding the Natural Resources Committee, Representative Carlson suggested Senator Oehlke be removed and Senator Larsen and Representative Rust be added. Representative J. Kelsh suggested Representative Lyle Hanson be added.

Regarding the Property Tax Measure Review Committee, Representative Carlson suggested Senator Nething be removed and Senator Carolyn C. Nelson be added. Representative J. Kelsh suggested Representative Lonny B. Winrich be added.

Regarding the Taxation Committee, Representative Carlson suggested Representative Kingsbury be removed and Representatives Patrick Hatlestad, Owens, and Roscoe Streytle and Senator Randy Burckhard be added. Representative J. Kelsh suggested Representative Marvin E. Nelson be added.

Regarding the Transportation Committee, Representative Carlson suggested Senators Nething and O'Connell be added.

Regarding the Tribal and State Relations Committee, Representative Carlson suggested Senator Erbele be added.

Regarding the Water-Related Topics Overview Committee, Representative Carlson suggested Senator Triplett replace Representative M. Nelson.

Regarding the Workers' Compensation Review Committee, Representative Carlson suggested Senator Schneider be added.

Chairman Carlson recessed the meeting and reconvened the meeting at 1:10 p.m.

The assistant director distributed a 2011-12 interim committees and studies membership list, revised to include the chairmen, vice chairmen, and membership changes as suggested before the luncheon recess.

Chairman Carlson asked for any further suggestions regarding membership.

Regarding the Administrative Rules Committee, Representative Carlson suggested Representative Mike Schatz be added.

Regarding the Agriculture Committee, Representative Vigesaa suggested Representative Wayne Trottier replace Representative Hofstad.

Regarding the Employee Benefits Programs Committee, Representative Carlson suggested Representative John D. Wall replace Representative David Monson.

Regarding the Government Services Committee, Representative J. Kelsh suggested Representative Vicky Steiner replace Representative Ron Guggisberg.

Regarding the Health Care Reform Review Committee, Representative Carlson suggested Representative L. Meier be added. Representative J. Kelsh suggested Representative Winrich be added.

Regarding the Health Services Committee, Representative Vigesaa suggested Representative Karen Karls replace Representative Bill Devlin.

Regarding the Human Services Committee, Representative Carlson suggested Representative Roger Brabandt replace Representative Kreidt.

Regarding the Information Technology Committee, Senator Holmberg suggested Senator Schaible replace Senator Christmann.

Regarding the Legislative Audit and Fiscal Review Committee, Representative Carlson suggested Representative Dwight Wrangham be added.

Regarding the Natural Resources Committee, Representative Carlson suggested Representative Mike Nathe replace Representative Bob Martinson.

Regarding the Property Tax Measure Review Committee, Senator Holmberg suggested Senator Sorvaag replace Senator Christmann.

STATUTORY MEMBERSHIP APPOINTMENTS

Chairman Carlson said the Legislative Management would take up consideration of appointments to statutory entities other than interim committees. He said the first appointments to be discussed are the appointments to the Veterinary Medical Education Program Admissions Committee related to Kansas State University. He referred to a letter from Chancellor William G. Goetz, North Dakota University System, suggesting potential appointees representing the North Dakota State University Department of Veterinary and Microbiological Sciences, a practicing veterinarian, and a livestock producer. He said the legislator appointed during the 2009-11 biennium was Senator Bill Bowman.

It was moved by Senator Holmberg, seconded by Senator Taylor, and carried on a voice vote that Dr. Teresa Newell, the North Dakota State University faculty member; Dr. Tom Bettenhausen, the practicing veterinarian; Mr. Russ Danielson, the livestock producer; and Senator Bowman be appointed to the Veterinary Medical Education Program Admissions Committee.

Chairman Carlson said the next appointments are to the Multistate Highway Transportation Agreement Cooperating Committee, consisting of a representative of the House Transportation Committee and of the Senate Transportation Committee. He said the current appointees are Representative Weisz and Senator G. Lee.

It was moved by Representative Ruby, seconded by Senator Holmberg, and carried on a voice vote that Representative Weisz and Senator G. Lee be appointed to the Multistate Highway Transportation Agreement Cooperating Committee.

Chairman Carlson said the next appointments are to the Committee on Protection and Advocacy. He said the 2009 appointees were Representative Uglem and Senator Erbele. He proposed Representative Andrew Maragos and Senator Uglem.

It was moved by Senator Erbele, seconded by Senator Holmberg, and carried on a voice vote that Representative Maragos and Senator Uglem be appointed to the Committee on Protection and Advocacy.

Chairman Carlson said the next appointment to consider is the State Hospital Governing Body. He said the current appointee is Representative Pollert.

It was moved by Representative Vigesaa, seconded by Senator Holmberg, and carried on a voice vote that Representative Pollert be appointed to the State Hospital Governing Body.

Chairman Carlson said the next appointments to be considered are those to the North Dakota Commission on Uniform State Laws. He said the law requires that there must be one appointee from each house and the appointees must be attorneys. He said the current commission members are Representative Klemm and Senator Nething.

It was moved by Senator Hogue, seconded by Representative Vigesaa, and carried on a voice vote that Representative Klemm and Senator Nething be appointed to the North Dakota Commission on Uniform State Laws.

Chairman Carlson said the Legislative Management is to appoint two legislators to the State Information Technology Advisory Committee. He said the current appointees are Representative Skarphol and Senator Wardner.

It was moved by Representative J. Kelsh, seconded by Senator Taylor, and carried on a voice vote that Senator Robinson be appointed to the State Information Technology Advisory Committee.

It was moved by Senator Holmberg, seconded by Representative Vigesaa, and carried on a voice

vote that Representative Skarphol be appointed to the State Information Technology Advisory Committee.

Chairman Carlson announced the Legislative Management is to appoint one member from each political party to serve on the Advisory Commission on Faith-Based and Community Initiatives. He said the 2009 appointees were Representative Grande and Senator Jim Pomeroy.

Senator Taylor nominated Senator Mathern.

Senator G. Lee nominated Senator Margaret Sitte.

Chairman Carlson announced that Senators Mathern and Sitte are the appointees to the Advisory Commission on Faith-Based and Community Initiatives.

It was moved by Senator Holmberg, seconded by Senator Erbele, and carried on a roll call vote to approve the interim Legislative Management committee structure as adjusted and the statutory membership appointments. Representatives Carlson, Damschen, Drovdal, J. Kelsh, S. Meyer, Onstad, Ruby, and Vigesaa and Senators Erbele, Heckaman, Hogue, Holmberg, G. Lee, Robinson, and Taylor voted "aye." No negative votes were cast.

RULES OF OPERATION AND PROCEDURE

Chairman Carlson referred to a document detailing the proposed [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#). He said the rules generally are the same as in the past but have been revised to provide that members of the Legislative Management who attend meetings of interim committees of which they are not a member may sit at the table when invited to do so by the interim committee chairman.

He said the standard practice has been that members of the Legislative Management can attend meetings of any interim committee. He said his concern during this interim is that Legislative Management members would attend and actively participate in discussions and consideration of legislative redistricting plans considered by the Legislative Redistricting Committee. He said he intends to appoint only 16 members to that committee, and any additional members participating in discussions could delay the work of that committee. He said he intends to request the Governor to call a special session to consider redistricting on November 7 or November 14, 2011, and the committee must be finished by then. He said each caucus has the opportunity to present its views on legislative redistricting through its representatives on the committee. As a result, he said, members of the Legislative Management are welcome to attend meetings of the Legislative Redistricting Committee, but other than leaders or assistant leaders attending in place of their leaders, members would not be reimbursed for per diem or expenses.

It was moved by Senator Robinson, seconded by Senator Erbele, and carried on a roll call vote that the proposed *Supplementary Rules of*

Operation and Procedure of the North Dakota Legislative Management be approved. Representatives Carlson, Damschen, Drovdal, J. Kelsh, S. Meyer, Onstad, Ruby, and Vigesaa and Senators Erbele, Heckaman, Hogue, Holmberg, G. Lee, Robinson, and Taylor voted "aye." No negative votes were cast.

It was moved, seconded, and carried on a voice vote that the meeting be adjourned. Chairman Carlson adjourned the meeting at 2:40 p.m.

Jay E. Buringrud
Assistant Director

ATTACH:1