

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE MANAGEMENT

Tuesday, June 16, 2015
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 1:15 p.m.

Members present: Senators Ray Holmberg, Tyler Axness, Jerry Klein, Donald Schaible, Mac Schneider, Connie Triplett, Jessica Unruh, Rich Wardner; Representatives Wesley R. Belter, Al Carlson, Bill Devlin, Jason Dockter, Kathy Hogan, Marvin E. Nelson, Kenton Onstad, Dan Ruby, Jim Schmidt

Members absent: None

Others present: John Bjornson, Allen H. Knudson, John Walstad, Legislative Council, Bismarck
See attached [Appendix A](#) for additional persons present.

It was moved by Representative Ruby, seconded by Senator Schneider, and carried on a voice vote that the minutes of the June 10, 2015, meeting be approved as distributed.

STATUTORY MEMBERSHIP APPOINTMENTS

Chairman Holmberg said the Legislative Management would consider 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. The Director indicated the Legislative Council is waiting for a letter from the Chancellor of the 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 2013-15 biennium was Senator Bill L. Bowman. Chairman Holmberg indicated Senator Bowman would be willing to let another legislator have this responsibility.

It was moved by Senator Wardner, seconded by Representative Schmidt, and carried on a roll call vote that Representative Chet Pollert be appointed to the Veterinary Medical Education Program Admissions Committee. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

The Director said the next appointments are to the Multistate Highway Transportation Agreement Cooperating Committee, consisting of a representative of the House Transportation Committee and a representative of the Senate Transportation Committee. He said the current appointees are Representative Ruby and Senator Dave Oehlke.

It was moved by Representative Hogan, seconded by Senator Klein, and carried on a roll call vote that Representative Dan Ruby and Senator Dave Oehlke be appointed to the Multistate Highway Transportation Agreement Cooperating Committee. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

The Director said the next appointments are to the Committee on Protection and Advocacy. He said the 2013 appointees were Senator Dick Dever and Representative Andrew G. Maragos.

It was moved by Senator Klein, seconded by Representative Hogan, and carried on a roll call vote that Representative Andrew G. Maragos and Senator Dick Dever be appointed to the Committee on Protection and Advocacy. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

The Director said the next appointment to consider is the State Hospital Governing Body. He said the current appointee is Representative Karen Rohr.

It was moved by Representative Schmidt and seconded by Representative Dockter that Representative Karen Rohr be appointed to the State Hospital Governing Body. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

Senator Triplett suggested that next interim other legislators be informed that these appointments are available. Senator Holmberg said all four leaders received a 13-page letter in April 2015 that listed all appointments related to the 2015-16 interim.

The Director said the next appointments to be considered are to the North Dakota Commission on Uniform State Laws. He said the law requires there must be one appointee from each house and the appointees must be attorneys. He said the current commission members are Representative Lawrence R. Klemin and Senator David Hogue.

It was moved by Representative Carlson, seconded by Senator Unruh, and carried on a roll call vote that Representative Lawrence R. Klemin and Senator David Hogue be appointed to the North Dakota Commission on Uniform State Laws. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

The Director said the Legislative Management is to appoint two legislators to the State Information Technology Advisory Committee. He said the current appointees are Representative Mark S. Owens and Senator Larry J. Robinson.

It was moved by Representative Schmidt, seconded by Senator Triplett, and carried on a roll call vote that Representative Mark S. Owens and Senator Larry J. Robinson be appointed to the State Information Technology Advisory Committee. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

The Director said Senate Bill No. 2367 establishes a task force on substance exposed newborns, chaired by the Attorney General, which requires 2 legislator members. Senator Holmberg said two legislators that were involved in the legislation were Senator Nicole Poolman and Representative Alan Fehr.

It was moved by Representative Dockter, seconded by Senator Wardner, and carried on a roll call vote that Representative Alan Fehr and Senator Nicole Poolman be appointed to the task force on substance exposed newborns. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

RULES OF OPERATION AND PROCEDURE

The Director reviewed 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 were revised in 2013 to provide that the Legislative Council staff encourage presenters to submit an electronic version of testimony in advance of the meeting whenever possible and in 2015 to meet the requirements of Section 25 of Senate Bill No. 2015 regarding the Legislative Council developing a policy relating to maintaining a record of legislator public records requests.

It was moved by Senator Wardner, seconded by Representative Onstad, and carried on a roll call vote that the proposed *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management* be approved. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

EMPLOYEE ASSISTANCE PROGRAM

Chairman Holmberg called on the Director to discuss the employee assistance program. The 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 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 Wardner, seconded by Senator Unruh, and carried on a roll 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. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

INTERIM COMMITTEE APPOINTMENTS

Chairman Holmberg referred to an initial committee membership list that identifies the proposed membership for all committees. He said an ideal size would be approximately 16 to 17 members, but some are limited by statute, e.g., the Worker Compensation Review Committee is limited to six legislators. He said most members received their first preference for the committee, unless that could not be accommodated due to the committee size and demand. He said the initial membership list also identifies those members not within the committee membership but who expressed a preference for the committee. He said committee members have a summary ([Appendix B](#)) of the legislator preferences, listing for each legislator their first, second, third etc. choices.

Chairman Holmberg went through each committee membership and the Legislative Management by consensus adjusted the committee memberships. The committee addressed those legislators that may have had only one committee and addressed political and house balances on each committee.

At 4:30 p.m., a revised committee structure ([Appendix C](#)) was distributed for the committee consideration. Representative Schmidt suggested Senator Unruh be added to the Water Topics Overview Committee, which the committee agreed to. Representative Devlin said he was willing to come off the Political Subdivision Taxation Committee and it was agreed that Representative Mike Nathe would replace him.

Representative Carlson expressed concerns with the membership of the Employee Benefits Program and Higher Education Committees, as those committees too closely represent state employee and institution interests, respectively.

It was moved by Representative Hogan, seconded by Senator Schaible and carried on a roll call vote to approve the interim Legislative Management committee structure as adjusted. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Belter, Carlson, Devlin, Dockter, Hogan, Nelson, Onstad, Ruby, and Schmidt voted "aye." No negative votes were cast.

Approved [2015-16 Interim Committee Structure](#).

Chairman Holmberg distributed a list ([Appendix D](#)) of his proposed chairs and vice chairs for each of the committees.

The committee discussed the proposed list.

Representative Carlson expressed his disappointment with the process and the proposed inclusion of minority party chairs and vice chairs. He said the previous process worked well and provided continuity from standing committees to the interim committees.

Chairman Holmberg said there are 48 chairs and vice chairs slots, and his proposal would provide 6 of those slots to the minority party members. He said he would like to try this and see how it works.

Representative Belter said the interim process is to prepare for the session and the majority party has the responsibility to develop policy. He said majority party members with experience are denied chairs with the change in policy. He said he could not support the proposal.

Senator Schneider said he would like the Legislative Management to return to its bipartisan roots and reduce politics in the interim process. He said the proposed minority party chairs are serious people and will strive to develop good public policy.

Representative Ruby said he questioned why minority party members are the chair and vice chair of the Human Services Committee. He said he opposes the proposal and is concerned that the assignments were tied to the support for the chair of the Legislative Management.

Representative Devlin agreed with the other concerns against the proposal. He said he also was concerned with two Fargo legislators being the chair and vice chair of the Human Services Committee.

Representative Carlson said the bipartisan talk is talk only as minority party members are quick to make partisan points at every opportunity. He said it is not that the proposed chairs would not be good chairs, but that they have a completely different philosophy than majority party members.

Representative Belter said the committees are not a social club, as they are conducting the business of the state. He said this is a mistake as the parties have different perspectives on the issues.

Senator Triplett said the voters in the state make their decisions by district and except for statewide offices, they do not vote a collective mind.

It was moved by Representative Nelson, seconded by Senator Wardner and carried on a roll call vote to approve the interim Legislative Management committee chair and vice chair structure as proposed. Senators Holmberg, Axness, Klein, Schaible, Schneider, Triplett, Unruh, and Wardner and Representatives Hogan, Nelson, and Onstad voted "aye." Representatives Belter, Carlson, Devlin, Dockter, Ruby, and Schmidt voted "nay."

Chairman Holmberg said the staff would provide an updated committee structure list to committee members and he will be sending a letter to the chairs and vice chairs regarding committee activities.

No further business appearing, Chairman Holmberg adjourned the meeting at 5:30 p.m.

Jim W. Smith
Director

ATTACH:4