

# NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

## LEGISLATIVE COUNCIL

Thursday, June 3, 1999  
Harvest Room, State Capitol  
Bismarck, North Dakota

Senator Gary J. Nelson, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Gary J. Nelson, Randel Christmann, Aaron Krauter, Elroy N. Lindaas, David E. Nething, Larry J. Robinson, Wayne Stenehjerm; Representatives Merle Boucher, William R. Devlin, John Dorso, Eliot Glassheim, John Mahoney, Clara Sue Price, Francis J. Wald, John M. Warner

**Others present:** Dale Wetzal, Associated Press, Bismarck

Janell Cole, The Forum, Bismarck

Marlowe Johnson, Otter Tail Power Company, Jamestown

Mel Kambeitz, U S West, Bismarck

Dennis Boyd, MDU Resources Group, Bismarck

Jim Heck, Information Services Division, Office of Management and Budget, Bismarck

Jenny Witham, North Dakota Medical Association, Bismarck

James M. Moench, COFA, Bismarck

Jay E. Buringrud, Chester E. Nelson, Jr.; Legislative Council, Bismarck

**It was moved by Senator Stenehjerm, seconded by Senator Nething, and carried on a voice vote to dispense with the reading of the minutes of the May 11, 1999, meeting and to approve the minutes as mailed.**

Chairman Nelson called on Mr. Jay E. Buringrud, Assistant Director of the Legislative Council, to review a memorandum entitled *Statutory and Traditional Responsibilities of Legislative Council Interim Committees*. He said many statutory duties of the Legislative Council have traditionally been delegated by the Council to interim committees.

Chairman Nelson called on the director of the Legislative Council to review a document entitled *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council*. The director said the supplementary rules were revised and approved by the Legislative Council in November 1998. He said the revisions updated the rules and included specific provisions relating to the powers of the Legislative Council chairman. The listed powers previously had been granted by motion to give the chairman the authority to create new committees, to assign new studies to committees, to make appointments and fill vacancies on interim committees, and to

approve creation of subcommittees of existing interim study committees. **It was moved by Representative Dorso, seconded by Senator Robinson, and carried on a roll call vote that the *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council* be approved.** Voting in favor of the motion were Senators Nelson, Christmann, Krauter, Lindaas, Nething, Robinson, and Stenehjerm and Representatives Boucher, Devlin, Dorso, Glassheim, Mahoney, Price, Wald, and Warner. There were no negative votes.

Chairman Nelson distributed copies of a proposed committee structure. He said the suggested committee membership was based primarily upon the preferences indicated by legislators on questionnaires distributed after the last meeting, and the vast majority of legislators received their first or second committee choices, or both. He said the Council would review the list and would be open to suggestions for changes. He said a motion and voice votes would be taken on each committee, after which the complete structure would be subject to a motion and a roll call vote. He said several statutes limit the size of certain committees, such as the Crop Harmonization Committee, Advisory Commission on Intergovernmental Relations, Information Technology Committee, Electric Industry Competition Committee, Employee Benefits Programs Committee, and the Regulatory Reform Review Commission. He said the effect of these limitations is to require some other committees to be extremely large if each legislator is to have the opportunity to serve on at least two committees.

Chairman Nelson presented the proposed membership of the Administrative Rules Committee, to be chaired by Representative William R. Devlin. Representative Devlin noted three members on this committee are from the same legislative district. Representative Glassheim questioned whether there should be only three members of the minority on this committee. **It was moved by Senator Stenehjerm, seconded by Senator Robinson, and carried on a voice vote that the proposed membership of the Administrative Rules Committee be approved.**

Chairman Nelson presented the proposed membership of the Advisory Commission on Intergovernmental Relations, to be chaired by Senator Elroy N. Lindaas. **It was moved by Senator**

Lindaas, seconded by Senator Nething, and carried on a voice vote that the proposed membership of the Advisory Commission on Intergovernmental Relations be approved.

Chairman Nelson reviewed the proposed membership of the Agriculture Committee, to be chaired by Representative John M. Warner. **It was moved by Senator Nething, seconded by Senator Krauter, and carried on a voice vote that the proposed membership of the Agriculture Committee be approved.**

Chairman Nelson announced that the membership of the Budget Section would follow past traditions and would include the leadership and the members of both Appropriations Committees. He said he is proposing that Representative Jack Dalrymple be chairman and Senator Pete Naaden be vice chairman of the Budget Section. **It was moved by Representative Wald, seconded by Senator Nething, and carried on a voice vote that the proposed membership of the Budget Section be approved.**

Chairman Nelson reviewed the proposed membership of the Budget Committee on Government Services, to be chaired by Senator Aaron Krauter. **It was moved by Senator Stenehjem, seconded by Senator Christmann, and carried on a voice vote that the proposed membership of the Budget Committee on Government Services be approved.**

Chairman Nelson reviewed the proposed membership of the Budget Committee on Health Care, to be chaired by Representative Clara Sue Price. Senator Krauter noted that Senator Deb Mathern had not received her first or her second choice, and the Budget Committee on Health Care was her second choice. Chairman Nelson noted that Senator Deb Mathern had been placed on the Administrative Rules Committee because there were no other minority senators on that committee. **It was moved by Representative Wald, seconded by Senator Lindaas, and carried on a voice vote that the proposed membership of the Budget Committee on Health Care be approved.**

Chairman Nelson reviewed the proposed membership of the Budget Committee on Human Services, with Representative Jeff Delzer as chairman and Senator Judy Lee as vice chairman. **It was moved by Senator Nething, seconded by Senator Stenehjem, and carried on a voice vote that the proposed membership of the Budget Committee on Human Services be approved.**

Chairman Nelson reviewed the proposed membership of the Budget Committee on Institutional Services, to be chaired by Representative Merle Boucher. **It was moved by Senator Nething, seconded by Senator Stenehjem, and carried on a voice vote that the proposed membership of the Budget Committee on Institutional Services be approved.**

Chairman Nelson reviewed the proposed membership of the Commerce and Labor Committee, to be chaired by Representative Elliot Glassheim. Senator Krauter requested that he be replaced on this committee by Senator Harvey Tallackson. Chairman Nelson announced that that would be acceptable. **It was moved by Representative Wald, seconded by Representative Dorso, and carried on a voice vote that the proposed membership of the Commerce and Labor Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Criminal Justice Committee, to be chaired by Representative John Mahoney. At the request of Senator Krauter, Chairman Nelson announced that the Council would return later to consideration of the membership of the Criminal Justice Committee.

Chairman Nelson reviewed the proposed membership of the Crop Harmonization Committee, and he announced that Representative Eugene Nicholas would be chairman and Senator Terry M. Wanzek would be vice chairman. Chairman Nelson said the law requires that the Crop Harmonization Committee consist of the chairmen of the House and Senate Agriculture Committees and three other individuals appointed by the Legislative Council chairman, one of whom must represent the crop protection manufacturing industry. He said he had received a letter from the industry requesting that he name an out-of-state resident to this committee. He said he would have to give further consideration to whether it would be appropriate to name a nonresident as a member of the Crop Harmonization Committee. In response to a question from Representative Wald, Chairman Nelson said the individual nominated had expertise in this field. Representative Wald suggested that the individual be a consultant to the committee rather than a member of the committee.

Representative Boucher asked that consideration be given to naming a member of the minority party to the Crop Harmonization Committee. Chairman Nelson said he would give consideration to Representative Boucher's request, but he needed more time to consider further appointments to this committee. He said members of the Legislative Council would be informed when he had decided upon the membership of this committee.

Chairman Nelson reviewed the proposed membership of the Education Finance Committee, to be chaired by Senator Layton Freborg. **It was moved by Senator Robinson, seconded by Representative Wald, and carried on a voice vote that the proposed membership of the Education Finance Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Education Services Committee, to be chaired by Senator Ray Holmberg. **It was moved by Senator Nething, seconded by Senator Stenehjem, and carried on a voice vote that the proposed membership of the Education Services Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Electric Industry Competition Committee, to be chaired by Representative Al Carlson. Chairman Nelson announced that the members of this committee were the same as the members during the last interim, and he believes it is necessary to have continuity on this committee. **It was moved by Senator Stenehjem, seconded by Representative Wald, and carried on a voice vote that the proposed membership of the Electric Industry Competition Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Employee Benefits Programs Committee, to be chaired by Representative Jim Poolman. **It was moved by Senator Nething, seconded by Senator Stenehjem, and carried on a voice vote that the proposed membership of the Employee Benefits Programs Committee be approved.**

Chairman Nelson announced that the membership of the Garrison Diversion Overview Committee is by statute, and therefore no action by the Council is necessary. However, he announced that Representative John Dorso would serve as chairman of the Garrison Diversion Overview Committee.

Chairman Nelson reviewed the proposed membership of the Higher Education Committee, to be chaired by Senator David E. Nething. He said many legislators had requested this committee and he had to limit the membership. He said he had removed those legislators who are current employees of the higher education system. He said legislators who are former and retired employees of the system, including Senator Kringstad who will be retiring soon, were retained on the committee. It was noted that a couple of members of the committee have contractual relationships with the higher education system, but as neither is a full-time employee of the higher education system, neither member has been removed. **It was moved by Representative Dorso, seconded by Senator Christmann, and carried on a voice vote that the proposed membership of the Higher Education Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Information Technology Committee, to be chaired by Senator Larry J. Robinson. **It was moved by Senator Stenehjem, seconded by Representative Devlin, and carried on a voice vote that the proposed membership of the Information Technology Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Judiciary Committee, to be chaired by Senator Wayne Stenehjem. **It was moved by Senator Nething, seconded by Senator Stenehjem, and carried on a voice vote that the proposed membership of the Judiciary Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Legislative Audit and Fiscal Review Committee, to be chaired by Representative

Francis J. Wald. **It was moved by Senator Nething, seconded by Representative Devlin, and carried on a voice vote that the proposed membership of the Legislative Audit and Fiscal Review Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Legislative Management Committee, to be chaired by Senator Rod St. Aubyn. **It was moved by Representative Dorso, seconded by Senator Nething, and carried on a voice vote that the proposed membership of the Legislative Management Committee be approved.**

Chairman Nelson reviewed the proposed membership of the Regulatory Reform Review Commission. He noted this is a statutory commission, and he proposed Representative Mick Grosz be chairman and Senator Rich Wardner be vice chairman of the Regulatory Reform Review Commission.

Chairman Nelson reviewed the proposed membership of the Taxation Committee, with Senator Randel Christmann as chairman and Representative Wesley R. Belter as vice chairman. At the request of Senator Krauter, Chairman Nelson announced that Senator Steve Tomac would be added as a member of the Taxation Committee. **It was moved by Senator Christmann, seconded by Representative Dorso, and carried on a voice vote that the proposed membership of the Taxation Committee be approved.**

Chairman Nelson announced that the Council would return to consideration of the membership of the Criminal Justice Committee. At the request of Senator Krauter, Chairman Nelson announced that Senator Carolyn Nelson would replace Senator Steve Tomac on the Criminal Justice Committee. **It was moved by Senator Nething, seconded by Senator Stenehjem, and carried on a voice vote that the proposed membership of the Criminal Justice Committee be approved.**

Chairman Nelson opened the meeting to further consideration of suggestions for changes or additions to committee memberships. **It was moved by Representative Price, seconded by Representative Dorso, and carried on a voice vote that Senator Ralph Kilzer be added to the Budget Committee on Health Care, Representative Keith A. Kempenich be removed from the Administrative Rules Committee and placed on the Budget Committee on Health Care, and that Representative Robin Weisz be removed from the Administrative Rules Committee and added to the Budget Committee on Human Services.**

**It was moved by Senator Krauter, seconded by Senator Robinson, and carried on a voice vote that Senator Vern Thompson replace Senator Joel C. Heitkamp on the Regulatory Reform Review Commission and that Senator Jerome Kelsh be added to the Education Services Committee.**

It was moved by Representative Boucher, seconded by Senator Lindaas, and carried on a voice vote that Representative Lyle Hanson replace Representative Doug Lemieux on the Education Services Committee and that Representative Doug Lemieux be added to the Legislative Audit and Fiscal Review Committee.

It was moved by Representative Boucher, seconded by Senator Krauter, and carried on a voice vote that Representative Mary Ekstrom be removed from the Education Services Committee and be placed on the Administrative Rules Committee.

It was moved by Senator Stenehjem, seconded by Representative Glassheim, and carried on a roll call vote that the Council approve the committee structure and the appointments that had been made by voice vote. Voting in favor of the motion were Senators Nelson, Christmann, Krauter, Lindaas, Nething, Robinson, and Stenehjem and Representatives Boucher, Devlin, Dorso, Glassheim, Mahoney, Price, Wald, and Warner. There were no negative votes.

Chairman Nelson announced that the Council would review appointments to be made by the Legislative Council. He said the Council is to select one member from each house for the Uniform Laws Commission and both members must be attorneys. He suggested Senator Wayne Stenehjem and Representative Lawrence R. Klemin be appointed to the Uniform Laws Commission. **It was moved by Representative Wald, seconded by Representative Dorso, and carried on a voice vote that Senator Wayne Stenehjem and Representative Lawrence R. Klemin be appointed to the Uniform Laws Commission.**

Chairman Nelson announced that he was recommending that Senator Joel C. Heitkamp and Representative James A. Kerzman be named to the One-Call Notification Board. He said they had served previously on this board. **It was moved by Senator Krauter, seconded by Representative Price, and carried on a voice vote that these appointments be approved.**

Chairman Nelson announced that he was recommending that Senator David E. Nething be named to the State Hospital Governing Body. **It was moved by Representative Mahoney, seconded by Representative Price, and carried on a voice vote that Senator Nething be appointed to the State Hospital Governing Body.**

Chairman Nelson recommended that Representative Amy N. Kliniske and Senator Rod St. Aubyn be appointed to the Committee on Protection and Advocacy. He requested approval of the Council to name another senator if Senator St. Aubyn declined this appointment. **It was moved by Senator Nething, seconded by Senator Stenehjem, and carried on a voice vote that these appointments be approved**

**and that the chairman of the Legislative Council have authority to name a replacement if either appointee declines.**

Chairman Nelson called on the assistant director to report on policies followed by the Legislative Council staff in mailing notices and minutes to legislators who have computers. Mr. Buringrud reported that during the last interim the Legislative Council staff placed notices and minutes of interim committee meetings in Lotus Notes and on the Internet and notified legislators by e-mail of these documents. He said reminder notices were sent by mail approximately one week before meetings in the usual manner. He reported that during the last interim, the Legislative Management Committee had conducted a survey of legislators, and it was found that a number of legislators who had computers were not using e-mail and many of those legislators requested that notices and minutes be provided by mail.

Representative Glassheim said he does not have a printer, and he prefers to get minutes by mail. Senator Nelson said he cannot understand why legislators who used computers during the session are not using them now. Representative Dorso said a considerable investment was made in the technology, and we should use that technology in an effort to save on mailing and distribution costs. **It was moved by Representative Dorso, seconded by Senator Krauter, and carried on a voice vote that the policy to be followed by the Legislative Council staff is to send meeting notices by e-mail to legislators who have computers and to follow up the e-mail notices with reminder notices by mail, and that the Legislative Management Committee be authorized to review and alter this policy.**

Chairman Nelson said minutes are in a different category but many legislators who previously received hard copy minutes would not need to do so as long as they are available through Lotus Notes or the Internet. **It was moved by Representative Dorso, seconded by Senator Stenehjem, and carried on a voice vote that the Legislative Council staff be requested to survey legislators to determine whether they wished to receive minutes by mail and to accommodate those who wish to receive certain minutes by mail, subject to review and alteration by the Legislative Management Committee.**

The director said as a result of these motions all legislators would receive a survey and would be given the opportunity to request that minutes of certain committees be mailed to them.

No further business appearing, Chairman Nelson adjourned the meeting at 10:55 a.m.

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John D. Olsrud  
Director