

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL

Tuesday, June 3, 2003
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 1:00 p.m.

Members present: Senators Bob Stenehjem, Dwight Cook, Ray Holmberg, Aaron Krauter, Karen K. Krebsbach, Judy Lee, David P. O'Connell, Larry Robinson; Representatives Rick Berg, Merle Boucher, Al Carlson, Lois Delmore, Scot Kelsh, Clara Sue Price, Ken Svedjan, John Warner

Member absent: Representative Janet Wentz

Others present: Jay E. Buringrud, Jim W. Smith; Legislative Council, Bismarck

Harlan Fuglesten, North Dakota Association of Rural Electric Cooperatives, Mandan-Fargo

Chris Y. Runge, North Dakota Public Employees Association, Bismarck

Chip Thomas, North Dakota Healthcare Association, Bismarck

Brian Kramer, North Dakota Farm Bureau, Bismarck

Joel Gilbertson, MeritCare, Bismarck

Barb Arnold-Tengesdal, Voices for North Dakota Children, Bismarck

David Thompson, Prairie Public Radio, Bismarck

Vivian I. Schafer, Wanda Rose; North Dakota Children's Caucus, Bismarck

Janell Cole, The Forum, Bismarck

It was moved by Representative Berg, seconded by Senator Holmberg, and carried on a voice vote to dispense with the reading of the minutes of the May 16, 2003, meeting and to approve the minutes as distributed.

Chairman Stenehjem distributed copies of a proposed committee structure. He said the suggested committee structure was based primarily upon the preferences reported by legislators on the questionnaires mailed to them following the last meeting. He announced the Legislative Council would stand at ease while the members reviewed the proposed committee structure.

Following the recess, Chairman Stenehjem announced that he would entertain a motion to adopt the proposed committee structure and he would then ask the members of the Council to entertain motions to amend the list to make any changes. **It was moved by Senator Holmberg and seconded by Representative Berg to adopt the proposed committee structure.**

It was moved by Representative Berg, seconded by Representative Svedjan, and carried on a voice vote that Representative Dale C. Severson be selected as vice chairman of the Budget Committee on Health Care.

It was moved by Representative Berg, seconded by Representative Svedjan, and carried on a voice vote that Representative Eliot Glassheim be added to the membership of the Commerce Committee and Representative Kenton Onstad be removed as a member of that committee and that Representative Onstad be added to the membership of the Economic Development Committee and Representative Glassheim be removed as a member of that committee.

It was moved by Representative Berg, seconded by Senator Cook, and carried on a voice vote that Representative David Monson be selected as the vice chairman of the Education Committee.

It was moved by Representative Berg, seconded by Representative Svedjan, and carried on a voice vote that Representative Matthew M. Klein be selected as chairman of the Electric Industry Competition Committee.

It was moved by Representative Berg, seconded by Representative Price, and carried on a voice vote that Representative Jim Kasper be added and Representative Al Carlson be removed as a member of the Electric Industry Competition Committee.

It was moved by Representative Berg, seconded by Representative Svedjan, and carried on a voice vote that Representative William R. Devlin be added as a member of the Emergency Services Committee.

It was moved by Representative Berg, seconded by Representative Svedjan, and carried on a voice vote that Representative Todd Porter be selected as cochairman of the Emergency Services Committee.

It was moved by Representative Berg, seconded by Representative Price, and carried on a voice vote that Representative Jim Kasper be removed as a member and Representative Al Carlson be added as a member of the Employee Benefits Programs Committee.

It was moved by Representative Berg, seconded by Representative Price, and carried on a voice vote that Representative David Monson be removed as a member, that Representative Ken Svedjan be added as a member, and that Representative Bob Skarphol be selected as vice chairman of the Information Technology Committee.

It was moved by Representative Berg, seconded by Senator Cook, and carried on a voice vote that Senator Tom Seymour be added as a member of the Transportation Committee.

It was moved by Representative Boucher and seconded by Representative Delmore that Representative Scot Kelsh be added and Representative Bruce Eckre be removed as a member of the Electric Industry Competition Committee and that Representative Scot Kelsh be removed and Representative Eckre be added as a member of the Natural Resources Committee. In the discussion that followed, Chairman Stenehjem said the reason Representative Eckre had been placed on the Electric Industry Competition Committee was that he did not receive his first or second choices, and Representative Scot Kelsh had received his first choice for committee assignment. He also noted that Representative Kelsh serves on the standing Natural Resources Committee and Representative Eckre does not. Representative Boucher noted Representative Kelsh's extensive background regarding wind energy and his knowledge of the electrical industry. Representative Boucher also said that Representative Eckre is interested in natural resources. Representative Berg said he would resist the motion for the reasons cited by the chairman for his selection of each of these legislators for the assignments they had been given. The chairman called the question, and **the motion was defeated on a voice vote.**

It was moved by Senator O'Connell and seconded by Senator Krauter that Senator Dennis Bercier be added as a member of the Economic Development Committee. Representative Berg said he would resist the motion because the Economic Development Committee may already be too large and he believes there should be a limited number of legislators on that committee. He noted that one of the reasons Senator Bercier may be interested in this study is because of the portion of the study calling for consideration of methods of creating business partnerships with North Dakota Indian tribes, and he said that provision was part of the reason for placing Representative Onstad on this committee. Senator Krauter said he supports the motion because Senator Bercier brings the perspective as a Native American to this study. Representative Berg said he would consider supporting the motion if it were to replace Senator Taylor with Senator Bercier on the Economic Development Committee. The chairman called the question, and on a roll call vote, **the motion was**

defeated. Voting in favor of the motion were Senators Krauter, Lee, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Warner. Voting against the motion were Senators Stenehjem, Cook, Holmberg, and Krebsbach and Representatives Berg, Carlson, Price, and Svedjan.

Chairman Stenehjem asked if there were any further amendments to be made to the main motion. As there were none, he called the question and **the motion carried on a roll call vote.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjem announced that the Council would consider appointments required to be made by the Legislative Council. **It was moved by Representative Berg, seconded by Representative Carlson, and carried on a roll call vote that Senator Thomas L. Trenbeath and Representative Lawrence R. Klemin be appointed to the Uniform Laws Commission; that Senator Judy Lee and Representative Amy Warnke be appointed to the Committee on Protection and Advocacy; that Representative Bob Skarphol and Senator Rich Wardner be appointed to the Information Technology Advisory Committee; and that Representative Chet Pollert be appointed to the State Hospital Governing Body.** In the discussion that followed, Representative Boucher noted that all seven of the proposed appointees are from the majority party. He said consideration could perhaps be given to naming at least one member of the minority party to one of these positions. Chairman Stenehjem called the question, and **the motion carried on a roll call vote.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Carlson, Delmore, Kelsh, Price, and Svedjan. Voting against the motion were Representatives Boucher, Kelsh, and Warner.

Chairman Stenehjem called on the director of the Legislative Council to review the *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council*. The director noted that the supplementary rules had been in effect for a number of years and a copy of the rules approved in June 2001 had been mailed to members of the Council prior to this meeting. **It was moved by Senator Robinson, seconded by Representative Berg, 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 Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

In response to a question from Senator O'Connell, Senator Stenehjem said he had not yet had an opportunity to make decisions regarding appointments to be made by the chairman of the Legislative Council.

Chairman Stenehjem called on the director of the Legislative Council to review the starting dates for the organizational session in December 2004 and the regular session in January 2005. The director said under North Dakota Century Code Section 54-03.1-02, the organizational session begins on the first Tuesday after the first Monday in December or on a date selected by the Legislative Council but not earlier than December 1 nor later than December 15. He said the law giving the Legislative Council the authority to set the date of the organizational session was first used in 2002. He said the organizational session began at 1:00 p.m. on Monday, December 2, 2002, which allowed more time for the meeting of the Budget Section to receive the Governor's budget and for computer training for legislators without running into the following weekend. The director said that under Section 54-03-02, the Legislative Assembly meets at 12:00 noon on the first Tuesday after the third day in January of odd-numbered years or on a date selected by the Legislative Council but not earlier than January 2 nor later than January 11. He said unless there were motions approved to change the dates, the organizational session will begin on Tuesday, December 7, 2004, and the regular session will begin on Tuesday, January 4, 2005.

It was moved by Senator Cook, seconded by Representative Berg, and carried on a roll call vote that the organizational session begin on Monday, December 6, 2004. Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

It was moved by Representative Boucher, seconded by Senator O'Connell, and defeated on a roll call vote that the Legislative Council staff be requested to prepare a letter for signature by the chairman of the Legislative Council to Congress and to the President urging consideration of changes to the Jobs and Growth Tax Relief Reconciliation Act of 2003 to extend the benefits of the changes in the child credit to include all tax brackets. Voting in favor of the motion were Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Warner. Voting

against the motion were Senators Stenehjem, Cook, Holmberg, Krebsbach, and Lee and Representatives Berg, Carlson, Price, and Svedjan.

Chairman Stenehjem called on Representative Carlson, who said this was his first experience in serving on the Legislative Council. He said he believes there is not enough of a connection between the interim committees and the membership of standing committees. He said he recognizes the tradition of having minority members serve as chairmen of interim committees, but he said he is concerned because there are chairmen of standing committees who sometimes have little input during the interim. He said he believes the process would be better served if there were better coordination between standing committees and interim committees.

In response to the concerns expressed by Representative Carlson, Senator Krauter said he hopes legislators will not look at every issue as a partisan issue during the study process. He said the majority decides what will be recommended, and as a member of the minority he has had experience in shepherding legislation resulting from interim studies through the legislative process. He said as a member of the minority he did not receive his first choices for committee selection, and he understands that is part of the process.

Chairman Stenehjem called on the director of the Legislative Council to review a memorandum entitled *Jobs and Growth Tax Relief Reconciliation Act of 2003 - Temporary State Fiscal Relief Funds*. The director said the memorandum resulted from requests from legislators asking for information regarding the funding this state will receive as a result of the congressional action. The director said he believes this issue will be on the agenda of the Budget Section at its next meeting.

In response to a question from Representative Delmore, Chairman Stenehjem called on the director of the Legislative Council to review staff assignments for the various interim committees.

It was moved by Senator Cook, seconded by Representative Svedjan, and carried on a voice vote that the meeting be adjourned. Chairman Stenehjem adjourned the meeting at 2:30 p.m.

John D. Olsrud
Director