

1999 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2436

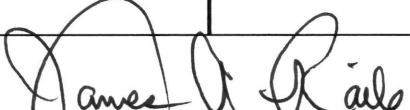
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2436

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date February 4, 1999

Tape Number	Side A	Side B	Meter #
1	X		117-1940
Committee Clerk Signature 			

Minutes: Chairman Krebsbach called the committee to order and instructed the clerk to call the roll. At this time Chairman Krebsbach opened the hearing on SB 2436 which is a bill relating to the composition of the North Dakota legislative council; and to provide an effective date.

Appearing before the committee to explain the bill was SENATOR GARY NELSON, District 22, prime sponsor of the bill. SB 2436 realigns, makes some changes in the alignment of the legislative council. It adds two members to the council to go from 15 members to 17 members and its a bill that strengthens the majority on the council but it does not weaken the minority members of the council. If you look at section 1 of the bill starting on line 9, it sets out the new alignment and what that would be is if the majority and minority leaders of the house and senate will be members of the council as it is today. The house would have seven members rather than the six that they have today, the senate would have six members rather than what we have today. It would break down on a basis that there would be in the senate 5 members of the majority

party, 3 members of the minority party. In the house there would be 5 members of the majority party and 4 members of the minority party. The actual control of the council will stay where it is today in the control of the senate. The party that controls the senate controls the legislative council. That's the same way that it has been for as long as I've been around here, so there're no changes there. This maintains the strength of the minority while it gives the majority some two additional members that in the present situation, and obviously madam chairman and members of the committee, if the balance of control on either the house or the senate changes, it also changes the balance of control that we will have on the council. One of the overriding reasons in my mind for us to do this is the difficulty in always being able to maintain, to have meetings that every member can attend. I've got the minutes from our organizational meeting at the end of the last session that deal with the inability of the council to be able to organize because one of the majority members had to leave early from the session to go to his home to have open heart surgery. So, we at that point had equal numbers of the majority and minority parties and we had two nominations for chairman of the council, both of them died for lack of a majority and we're about to, I was about to adjourn the meeting because the law says that the chairman shall remain chairman until a new chairman is elected. At that point I was still in the capacity of the chairman. I was going to adjourn the meeting when somebody suggested that maybe we ought to just organize that way that it was going to be if everybody was there. That, whether we were having a little problem, or what was happening, I'm not here to guess the motivation of what happened. In a period of a very important decision that has to be made by the council, I think that it does not give us the type of representation that actually we have as representation in the legislature. We've had several attempts in the past to change the makeup of the council. A

number of times it's been on a percentage basis and that has never been successful. I think that maybe that goes too far for what we want in realignment of the situation. I think as I would look at a 15 member council the way we have it today, if we reorganized it on a percentage basis, the majority would have 10 and the minority would have 5. It's almost 2 to 1 in both houses. That I think you can make a good case for from the standpoint that the one man one vote rules that we base everything else on, it would be logical that you would break down on a percentage basis.

Both members of the majority party and members of the minority party have opposed that in the past as being too drastic a change and so with the introduction of this bill I hold back from that idea and have gone simply for the addition of two members that will be appointed by the majority party. SENATOR THANE-How do we compare as far as numbers are concerned to other states that have legislative councils or the same as a legislative council? How do we compare number wise? SENATOR NELSON-That's a good question, I wish I had the answer to it. It is a reasonable question. Obviously every state has a little bit of different makeup in how they determine their members, but I don't have actual figures to be able to lay that out.

SENATOR THANE-Just a follow up question, what would you consider a practical limit where we should say enough is enough as far as actual membership on the council. SENATOR

NELSON-We're at 15 now and we are looking to go to 17. I think we're at the upper limit now.

What happens when you start moving numbers down, in most cases if you move numbers down the minority is the one that takes the brunt of the reduction. SENATOR THANE-I would agree

with you senator that 15 is plenty. SENATOR NELSON-17 is on the upper end that is where this bill goes. I looked at that, I had a number of scenarios put together on this thing to move it

down to less and as I say every time we did that to have the balance of control the way that I

think is reasonable to have it, we ended up with the minority having much less representation than they would under this. That's why my alternative was let's not lessen the numbers of the minority but let's add one person on each side and give the flexibility of the council that once in while you can meet without every member being there. SENATOR KREBSBACH-Currently the numbers are, in the senate 4 in the majority and 3 in the minority, and in the house it's 4 and 4, and you're proposing to go to 5 in both instances in the majority. SENATOR NELSON-And madam chairman when I say control is in the hands of the senate, we've got less numbers, but whichever party controls the senate is going to have more members on the legislative council. It doesn't give us more physical numbers but the party that controls the senate controls the council that's the way it is today. Just as a bit of history, since 1945, there have been 10 senate chairs of the council and 17 house chairs. SENATOR DEMERS-I've never served on the council but in my seventeen years watching it, I have been impressed that whatever party controlled how much consideration there was for the legislature as opposed to partisan politics. It seemed to work very well, even in the instance that you gave where you had a member missing. Things were worked out as they would be if that member were present so I guess I sort of on the if it ain't broke don't fix it kind of track and I'm wondering if you would comment. SENATOR NELSON-It has worked well and in most cases it has worked without partisan bickering, partisan fights on it. Eventually we did work out the problem in the instance that I cited. However, if that had been a decision that had to be made immediately and was a very critical decision. I don't believe at that point that the minority would have backed off from their stand, because we would have not been able to come. That's one of the things that the council has put into law that really concerns me. SENATOR KREBSBACH-I see there is no one from the other party here to testify on this bill.

Have you visited with the minority leader in the senate for example on this idea? SENATOR NELSON-Informally but we have not sat down and analyzed the bill as such.

REPRESENTATIVE AL CARLSON, District 41, appeared before the committee to testify in support of SB 2436. He indicated that he strongly supports this bill and would ask the committee to give the bill a do pass recommendation. Questions were offered by Senators Thane and Krebsbach. There was no further testimony offered in support, neutral position, or opposition to SB 2436. The hearing was closed on SB 2436. COMMITTEE ACTION-SENATOR THANE made a motion for a DO PASS on SB 2436, seconded by SENATOR KILZER.

Discussion-SENATOR DEMERS indicated she did not plan to vote for the motion, She plans to oppose the bill. He basic reason was she thinks the council has worked well with the current composition and she doesn't see any reason to change that. She would remind the majority party that what goes around comes around, so you may be living with it as a minority party one of these days as well. SENATOR KREBSBACH-Your comments are well taken and documented. Any further discussion on the motion. SENATOR WARDNER-Madam Chairman, committee members the only thing being a house member when I was over there, I always wondered why it was 4 and 4. I guess I would reject the idea of a percentage, I always thought it should be whoever the majority party was. It's not a burning issue with me. No matter how it works out, the senate is always in control, no matter how it works out whoever is the majority party in the senate they will always have the control of the council and I guess that's the way it's been. I did not realize there were house members that had been chairman of the council. I always thought it was a senator because ever since I've been here it's always been a senator. I guess I don't really

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2436

Hearing Date February 4, 1999

have a problem with this. ROLL CALL VOTE indicated 4 YEAS, 2 NAYS, and 1 ABSENT OR

NOT VOTING. SENATOR KILZER volunteered to carry the bill.

Date: 2/04/99
Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2436

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Thane Seconded By Senator Kilzer

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM					
SENATOR THANE	✓				
SENATOR DEMERS		✓			
SENATOR MUTZENBERGER		✓			

Total (Yes) 4 No 2

Absent 1

Floor Assignment Senator Kilzer

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 8, 1999 8:45 a.m.

Module No: SR-25-2121
Carrier: Kilzer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2436: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2436
was placed on the Eleventh order on the calendar.

1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2436

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2436

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3-11-1999

Tape Number	Side A	Side B	Meter #
1		X	29.7 - 39.9
Committee Clerk Signature <i>Jan McWellman</i>			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on March 11, 1999.

Summary of the Bill: Relating to the composition of the North Dakota legislative council.

Testimony in Favor:

Senator G. Nelson, Appeared before the committee to introduce the bill. What this bill would do is add two new members. It doesn't weaken the minority position, but does improve the majority position.

Representative Klein, Adding two people, this would give additional opportunity to other members to be on the interim?

Nelson, That's correct.

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House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2436

Hearing Date 3-11-1999

Representative Carlson, Appeared before the committee to support this bill. This is the third time

I have brought a bill of this type in a different format before the committee. This would increase the membership from 15 to 17.

Testimony in Opposition: None.

Representative Klein, Closed the hearing on SB 2436.

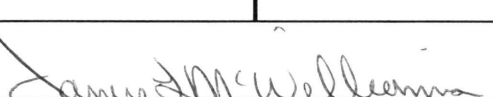
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2436

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3-12-1999

Tape Number	Side A	Side B	Meter #
1	X		51.4 - 57.4
Committee Clerk Signature 			

Minutes: Chairman Klein instructed the committee to take a look at SB 2436.

Summary of the Bill: Relating to the composition of the North Dakota Legislative Council.

Committee Action:

Representative Klemin, Made a motion for a Do Pass.

Representative Grande, Seconded the motion.

Motion Passes: Do Pass **10-4-1.**

Representative Kliniske, Is the carrier for the bill.

Date: 3-12-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2436

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By KLEMIN Seconded By GRANDE

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH		
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY		✓			
REP. DEVLIN	✓				
REP. FAIRFIELD		✓			
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER		✓			
REP. METCALF		✓			
REP. THORESON	✓				

Total (Yes) 10 No 4

Absent 1

Floor Assignment KLINISKE

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 12, 1999 11:54 a.m.

Module No: HR-45-4652
Carrier: Kliniske
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2436: Government and Veterans Affairs Committee (Rep. Klein, Chairman)
recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2436
was placed on the Fourteenth order on the calendar.