

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1222

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1222

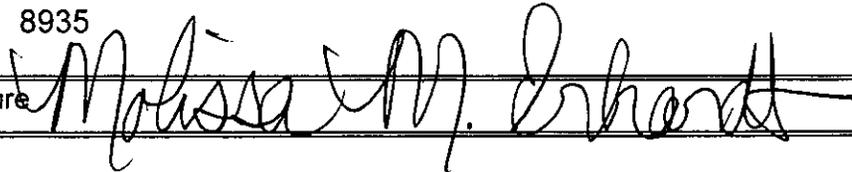
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/06/2009

Recorder Job Number: 8935

Committee Clerk Signature



Minutes:

**Chairman Grande:** Called the Hearing to order on HB 1222. Clerk read the title.

**Rep. Mike Schatz, District 36:** Testimony. See Attachment # 1.

**Vice Chairman Randy Boehning:** Questions for Rep. Schatz?

**Rep. Wolf:** I noticed that there are all freshman on the bill. I am curious as to what you have found as incoming freshman, the six of you, why there is such a problem with the current makeup of the council?

**Rep. Schatz:** I think that what the problem was when we looked at the House of Representatives being 58 to 36 and seeing 5 to 4. That isn't quite proportionate.

**Vice Chairman Randy Boehning:** Any other questions for Rep. Schatz?

**Rep. Kasper:** You went pretty fast on the numbers and the change? Will you go through it slower and tell me what you are trying to do here? Will you give me an example of actual numbers as you move through it.

**Rep. Schatz:** I guess I am going to refer to my testimony and the way it is. We have a 26 to 21 in the Senate, and then we have 5 to 3. That really isn't very proportional there. That should almost be 4 and 4. The other chamber could be basically 6 and 3 and then you would have a proportional number to how many people are actually elected. I guess for my feeling the Legislative Council should reflect those numbers for the people of ND elected us in this manner. Now, one of the changes, if we have a split Legislature, one being Democrat, one being Republican, then this bill would kick in and make the numbers proportional, it would be rounded off number. I don't know that there is a perfect way of doing it, but it makes it more reflective of the numbers that would be.

**Rep. Winrich:** It seems to me that part of the problem up here is that you have certain members of the Legislative Council that are ex-officio , the majority and minority leaders are out (can't understand) regardless of what the proportions are. You start off with one from each party. Why don't you apply the proportionality simply to those that remain?

**Rep. Schatz:** We do, because the third ex-officio person is the Speaker of the House. Speaker of the House and the Majority Leader are of the same party. So actually you have 2/3 and 1/3.

**Rep. Winrich:** But again, regardless of what the proportion is in the House?

**Rep. Schatz:** You are always going to have one more in the House. Whoever is in the majority, because it is an odd number, seventeen.

**Rep. Winrich:** It seems to me that you are trying to apply this proportionality in a place where it simply doesn't work very well. Similarly, it is well known for example that if you looked at the State wide vote in ND, it no way reflects the proportionality of representation in the legislature. Because we elect Representatives on the basis of districts, so it seems to me you are trying to apply proportionality here in a similar situation where it just does not fit the system.

**Rep. Schatz:** I have to disagree with you on that. Being a freshman, I am going to plead a little ignorance here, but coming in and looking at this system, I am saying that it does not seem to be proportionate.

**Rep. Schneider:** Do you know how long the current structure has been in place? For the makeup of LC?

**Rep. Schatz:** No I do not. I was talking to our leadership a little bit about it and sometime in the late 1990's there was some movement someplace but I am not sure.

**Vice Chairman Randy Boehning:** Any other questions for Rep. Schatz?

Anyone else wishing to testify in favor of HB 1222?

**Rep. Rick Berg, District 45, Fargo:** There is one reason and one reason only to vote for this. That is the core bedrock of our democracy, the core bedrock of how we do things. Where is the problem? I have served a while and one of the problems is a period of time when we had probably 2/3 of the Legislators that were one party. Another party the minority, set up LC. So what we had was 2/3 of a committee made up by members of one party, and another party controlling LC. In this process of how we do things it was broke. Again this is not some hallow ground that we are on. This bill is representative of changes every other biennium, depending on what party is in control and what chamber is in control. I think this most recent thing just changed a few years ago. The reality is the bill has to pass the House and the Senate. We can do whatever we want her in the house and pass a lot of bills out of the House but if it doesn't apply to the Senate, if they don't think it improves their position they are going to kill it. My point, quite frankly is, if the Democrats had a majority in the House and Republicans had one more person in the Senate, they would have control of Legislative Council. They would dictate what study, they would dictate everything about our interim process, even if Democrats in the House had 2/3 representation, if they represented 2/3 in every (can't understand). Again I just think that when you look at how our structure is, internal within the House chambers, we have balance in every committee, we work extremely hard to have the same proportion of

Republicans and Democrats on each committee, on Appropriations, and it is an extremely important function to how we organize and the Senate is much the same way. Somehow we go in the interim, it's based on what I think, is a formula that will work most of the time, whenever you have the same party in each chamber that works, but if you have a disproportionate number then you set up the interim management of our whole process with a control by a minority. I am not sure of all of the details and this is a creative and innovative way of addressing that, but if you believe that our legislature should be governed by a minority party during the interim, then you should vote against this bill. If you think that a majority of whichever party should serve as Legislature's should govern during the interim, then you should support this bill or a variation of this bill. Now, people will come up if you are in the minority party, you will say it will be easy for us to get in control if we don't change this. I think we need to look for all times, we need to look at this for the next 20 years. A change like this would prevent us from mucking around every two years with this.

**Rep. Schneider:** Do you know the answer to the question I asked Rep. Schatz about how long the current structure has been in place?

**Rep. Berg:** I think when the Senate was Democratic through 1995, there was a change after that, and then there was a change in 2001 and 2002. LC would know that, and I think there were a number of changes made when the

Republicans had control of both the House and Senate to kind of prevent that situation from happening again. But the people couldn't resist about maneuvering for a number of people in the House and a number of people in the Senate and it did not change. Another question to tie in with that is how many bills have been introduced within the last ten years trying to correct this problem?

**Vice Chairman Randy Boehning:** Any other questions for Rep. Berg?

**Rep. Wolf:** How many bills have been introduced in the last ten years, this is only my 2<sup>nd</sup> time, so could you enlighten me?

**Rep. Berg:** Again, I would ask that you talk to LC. Knowing the laws and they can look, LC can pop those up. However you view this it really doesn't matter, this is not a power struggle, this is not a Republican or Democrat thing, it may turn into that but those who wish to do that, that is fine. This is why I think it is more important for the House than the Senate, we are the chamber that's more than likely going to have the majority of people, whether it's Democrat or whether it's Republican because we have twice as many. So if this is based proportionally, I think it will have the opportunity to give the House more influence during the interim.

**Rep. Schneider:** Assuming we all want to move forward in a bi-partisan manner, I agree with you that elections can have big swings one way or the other. Is there something to be said for keeping the current structure in place so

there is some consistency in the process where elections may bring big swings one way or the other?

**Rep. Berg:** I can go back to those sessions and show you the number of bills that the Legislature studied that were not reflective of the body. So I would disagree with that, I would think that yes, an election shows big swings, after every election we go into a Legislative Session, we look at issues and some issues we don't have enough information on so we would like to study those and yet who decides what we study as the LC. So there may be some issues that the majority of the Legislators feel are important studies but simply get barred from being studied. I think the other critical thing is that we under utilize our interim process as a Legislature. I think we need to take it up to another level and in doing so, I think it is important to have that consistency follow through from a Legislative session to the interim process. When we have a big election and things change it kind of starts the cycle over.

**Vice Chairman Randy Boehning:** Any further questions for Rep. Berg?  
Anyone else wishing to testify in favor of HB 1222? Opposition to 1222?

**Rep. Merle Boucher, District 9:** I am here today to speak in opposition to this bill. I have listened to the testimony and we have talked about proportions and how things need to be addressed proportionately and I will get a little bit of a discussion that you might find rather intriguing in a moment or two about

proportionality and how maybe the people of ND in terms of total population are not being represented proportionately the way a lot of people might envision.

First of all, I want to address the bill. The bill as we speak right now, the majority party has control of the LC in either chamber: seven, five, four in the House and five, three on the Senate side. If you look at proportionality of numbers it is probably pretty representative of the combined proportions of the two chambers as we speak because it is a 10-7 vote on the council: ten with the majority party and seven with the minority party. Rep. Winrich brings up a good example of just by the way this current system is structured you are already going to create a

proportional imbalance because on the House side you are going by an ex-officio count , you are going to have the Speaker of the House, and the majority leader automatically starting out with a two-seat advantage in that particular situation.

So to create a bigger disproportion I think would be an injustice to the system. I think our system works proportionally by the number of seats. The number of seats in each of the chambers dictates the number of people who sit on the various standing committees and it also affects we determine the number of seats that are ultimately being proportioned to the interim committees. What the LC does is it actually acts as a representative and management operation for the legislature during the interim. So when we talk about the proportionality in the numbers with it given the way it is and it does show respect and acknowledge

that their majority's and minority's but still brings it closer to balance because a lot of the issues we talked about should not be political in nature and should not be based upon proportions. They should be based upon discussion of what is sensible and responsible way of dealing with the interim legislative business. So for that reason ladies and gentlemen I do oppose this particular bill even the amended version of the bill, I find that I would oppose. I think that we have the representation that identifies the majority and minority; the majority has the power and the final vote, but yet at the same time it brings us together in a forum thereby, majority, minorities are represented to a closer equal representation.

Now, I want to point out something very clearly if you want to talk about disproportionate representation by the basis of overall population in the State of ND. If any of you want to have me bring this information to you, I have a very intense study about the proportions and populations on the effect of elections and the makeup of the ND legislature. I will point to you very quickly that in 32 contiguous districts in ND, the democrat party is a 52-44 majority. There are 96 seats in those 32 contiguous districts, the democrats have a 52-44 majority. There are 15 contiguous districts on the other hand where there are 45 seats that the republicans have 40-5 majority. So when you look at the total population of the State of ND and the total representation of the Legislature, if you are basing it upon that it has disproportionate representation. So sometimes when we start to

play games with the numbers, I think like we are in this particular bill, I think sometimes we are probably not really accurately portraying the actual real world. Obviously, even though, I might not disagree, it is somewhat disconcerting that we have a significant imbalance of the 15 districts, actually following the two legislative chambers in the State of ND that is the way it is and we live with it. That is how the legislative process works and that is how a democracy of a Republican government works. When we start playing some of these arguments that you want to throw out here sometimes, ladies and gentlemen, you get into the real numbers we have to often times do things as a matter of convenience for a good political argument rather than the actuality, and I think that is what this bill does. It is more of a political discussion and argument than really good basic sound government policy. So for that reason, ladies and gentlemen, I do oppose this bill.

**Vice Chairman Randy Boehning:** Questions for Rep. Boucher?

**Rep. Kasper:** Would you mind giving us a little more information on the 32 contiguous districts and the 15 contiguous districts?

**Rep. Boucher:** Sure. Anyone who wants a printout of how that lays out and sets out I'd be happy to provide it for anyone on council. The way it lays out, if you use Hwy 281 as a dividing line in ND, Hwy 281 enters the State of ND from my district and the International Peace Gardens and goes all the way through the

center of ND, cuts through New Rockford, Minneawauken, on down through Jamestown and to the SD border. Then there is an attachment of counties or legislative districts that go north of Hwy 2 up in that Minot area, the north central part of the State of ND. It makes up 32 districts and in that 32 district area there are 96 seats and 52 of the 96 seats belong to what we call the minority party in the legislature. That other block of contiguous legislative districts starts at District 28 which is south of Jamestown and just connects across the Southern half of the State and works its way up to the Northwest corner and there are 15 contiguous districts there. There you have the imbalance of 40 to 5 and that is the majority party with control of the legislature in both chambers. When you talk about total Statewide representation in terms of population one has to raise some questions on this. But that is the way it works in the interim process.

**Vice Chairman Randy Boehning:** Any further questions for Rep. Boucher? Anyone else wishing to testify opposing the HB 1222? Anyone neutral on HB 1222? Closed the hearing on HB 1222.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One 1222

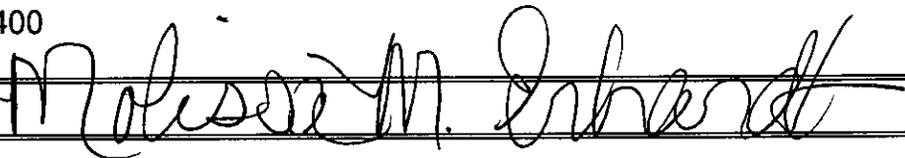
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/12/2009

Recorder Job Number: 9400

Committee Clerk Signature



Minutes:

### Committee Work One:

**Chairman Grande:** We will discuss HB 1222. We do have amendments.

**Vice Chairman Randy Boehning:** Move for a Do Pass on HB 1222.

**Vice Chairman Randy Boehning:** Withdraw my motion, and move to have a Do Pass As Amended motion.

**Rep. Kasper:** This is a mathematical amendment.

**Chairman Grande:** Does everyone see the amendments.

**Rep. Dahl:** 2nd.

**Rep. Kasper:** Doesn't this amendment give the House more members on the Legislative Council?

**Chairman Grande:** Does it give it one more than the Senate. I am sorry I was not here for the testimony on this.

**Vice Chairman Randy Boehning:** I do not believe that it does in speaking with Rep. Schatz, it does not change the count any as far as I know. The amendment

replaces Lines 6 – 24, so that will be gone. In the Senate, plus 6 Senators and 7 Representatives, so there will be thirteen on it.

**Rep. Kasper:** There would be the Minority and Majority leaders also.

**Chairman Grande:** How many people are currently on Legislative Council?

**Rep. Kasper:** Seventeen, plus the speaker or not?

**Rep. Winrich:** The speaker is one of the majority party people.

**Chairman Grande:** Do we have an understanding of what the amendments read? Are there questions on the amendment or any discussion? We have the amendments before us, all in favor say I. Consent: I. Opposed: Rep.

Amerman.

**Vice Chairman Randy Boehning:** Move for a Do Pass As Amended.

**Rep. Nathe:** 2<sup>nd</sup>.

**Chairman Grande:** We have a Do Pass motion by Rep. Boehning, 2<sup>nd</sup> by Rep. Nathe. Discussion?

**Rep. Schneider:** During the testimony I tried to pose the question about what is not working with the current system. I understand the proportionate and fairness argument. But I think there is something to be said for leaving the system in place and as far as I know it has worked pretty well without controversy for quite some time, recognizing that we do have a two party system. The numbers will swing from elections to elections but Legislative Council stays the same. I spoke

with members of Legislative Council that have counselled in the past on both sides and they said by and large it always works pretty well in a bi-partisan manner and I think that there is a lot to be said for that.

**Chairman Grande:** Any other discussion? Clerk will call the roll on a Do Pass motion As Amended.

**Clerk Erhardt:** Roll Call. Yes: 8. No: 5. Absent: 0. Carrier: Rep. Boehning.

VK  
2/13/09  
182

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1222

Page 1, replace lines 6 through 24 with:

**"54-35-01. Council - Created - Members - Vacancy - Terms. The**

1. Except as provided in subsection 2, the North Dakota legislative council, in this chapter referred to as the legislative council or the council, consists of the majority and minority leaders of the house and of the senate plus six senators and seven representatives chosen biennially before the close of each regular legislative session. In the house of representatives the speaker of the house shall appoint to the council four members recommended by the majority leader and three members recommended by the minority leader, except that the speaker must by virtue of office be one of the four members appointed from the speaker's ~~faction~~ party. In the senate the lieutenant governor shall appoint to the council four members recommended by the majority leader and two members recommended by the minority leader.
2. If the majority party in one house is the minority party in the other house, the majority and minority leaders of each house shall make the recommendations so as to give the two political parties having the most members in that house the same total proportionate representation on the council as prevails in that house. In allocating the membership on the council to each political party, the total number of members in the house of representatives must be divided by nine and the total number of members in the senate must be divided by eight; the resulting quotient for each house must then be divided into the number of members of each of the two political parties of that house; the resulting quotient for each party of that house, rounded to the nearest whole number, is the number of members of that political party in that house to be on the council. Notwithstanding this allocation, if the number of members in the minority political party in a house would not result in any representation on the council, the minority leader in that house must represent that party on the council.
3. Any vacancy occurring when the legislative assembly is not in session must be filled by the selection of another member of the legislative assembly belonging to the same ~~faction~~ party as the member originally appointed, the selection to be made by the remaining senate or house members of the council, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the council shall serve until a new council has been selected at the next regular legislative session; provided, however, that no senator, ~~not a holdover~~, who is not reelected to the senate, and no representative, who is not reelected to the house of representatives, may serve as a member of the council beyond the closing day of the term to which elected. Any vacancy occurring because any member of the council is not reelected must be filled for the period from the beginning of the session until a new council is selected, in the same manner as the original council is selected."

Page 2, remove lines 1 through 12

Renumber accordingly



Date: 7/12/09  
Roll Call Vote #: 4

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1222

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Boehning Seconded By Nathe

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman		✓
Vice Chairman Boehning	✓		Rep. Conklin		✓
Rep. Dahl	✓		Rep. Schneider		✓
Rep. Froseth	✓		Rep. Winrich		✓
Rep. Karls	✓		Rep. Wolf		✓
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 8 No 5

Absent 0

Floor Assignment Rep. Boehning

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

**REPORT OF STANDING COMMITTEE**

**HB 1222: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1222 was placed on the Sixth order on the calendar.

Page 1, replace lines 6 through 24 with:

**"54-35-01. Council - Created - Members - Vacancy - Terms. The**

1. Except as provided in subsection 2, the North Dakota legislative council, in this chapter referred to as the legislative council or the council, consists of the majority and minority leaders of the house and of the senate plus six senators and seven representatives chosen biennially before the close of each regular legislative session. In the house of representatives the speaker of the house shall appoint to the council four members recommended by the majority leader and three members recommended by the minority leader, except that the speaker must by virtue of office be one of the four members appointed from the speaker's ~~faction~~ party. In the senate the lieutenant governor shall appoint to the council four members recommended by the majority leader and two members recommended by the minority leader.
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Page 2, remove lines 1 through 12

Renumber accordingly

2009 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1222

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1222

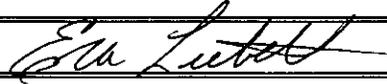
Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: March 23, 2009

Recorder Job Number: 11406

Committee Clerk Signature



Minutes:

Representative Mike Shatz: In support of the bill. Written testimony attached.

Chairman Klein: Exactly the way it is today, how would that work out if we use these provisions?

Representative Shatz: Nothing changes.

Senator Potter: Discussed the different scenarios and how they would work with the new law.

Representative Rick Berg: When you have a mixture of the House and Senate which is really unique across the country. We had a period where we had two different parties in control of two different chambers and when the numbers in the interim were such that many of those committees had a majority of republicans on those committees and yet because legislative counsel was controlled by the majority party in the Senate, Democrats. I think what happened is you ended up with bills being introduced in the session that were not a cross section of those that were elected. I think if we can step back from the partisan nature of everything and think if we want our interim strong than interim bills and committees should reflect the priorities from the legislature. I would appreciate your consideration of thinking again how can we create a balance in that interim?

Senator Wanzek: Currently we're only one Senator short of the representatives on the counsel with the quotation that we would be dividing; wouldn't we be increasing the house members in ratio to senate members on the counsel?

Representative Berg: I encourage you to go through the bill. It gets a little bit complicated, but the intent of the bill was to reflect the membership of the body in each chamber and blend that in the interim as well.

Chairman Klein: Closed the hearing.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1222

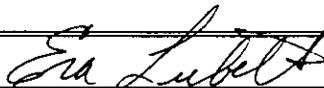
Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: March 23, 2009

Recorder Job Number: 11408

Committee Clerk Signature



Minutes:

Chairman Klein: Does anyone want to make a motion on 1222?

Senator Potter: Motion to do not pass.

Senator Wanzek: Seconded.

Roll Call Vote: Yes: 7 No: 0 Absent: 0

Floor Assignment: Senator Potter

++

Date: 3/23/09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1222

Senate

Committee

**Industry, Business and Labor**

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Pass  Do Not Pass  Amended

Motion Made By Senator Potter Seconded By Senator Wanzek

Senator	Yes	No	Senator	Yes	No
Senator Jerry Klein - Chairman	✓		Senator Arthur H. Behm	✓	
Senator Terry Wanzek - V.Chair	✓		Senator Robert M. Horne	✓	
Senator John M. Andrist	✓		Senator Tracy Potter	✓	
Senator George Nodland	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Potter

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

**REPORT OF STANDING COMMITTEE**

HB 1222, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1222 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1222

GVA

HB 1222

2-06-09

Rep. Mike Schatz

Chairman Grande and members of the House Government and Veterans Affairs Committee

For the record, my name is Mike Schatz and I'm a representative from Dist. 36 which includes Dunn, Hettinger, Morton, and Stark counties

Madam Chair, I would like to present amendments which basically hog house the bill you have in our books. This amended version makes the representation on the Legislative Council proportional. A person can get a little dizzy trying to figure out what that means but I will attempt to explain.

Way it is

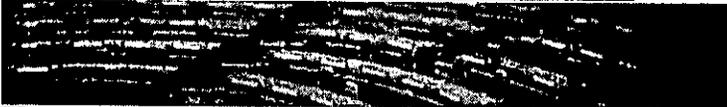
- 17 Legislators on Legislative Council
- 8 Senators; 5 Rep., 3 Dem.; Chamber is 26 R to 21 D
- 9 Representatives; 5 Rep., 4 Dem.; Chamber is 58 R to 36 D
- This bill keeps these numbers the same as long as both houses are controlled by the same party

What the bill does if the houses are split between two parties

- 8 Senators: 4 Rep., 4 Dem.; Chamber is 24 R to 23 D
- 9 Representatives; 4 Rep., 5 Dem.; Chamber is 46 R to 48 D

I do not know the history of why Legislative Council has such a strange representation, but this makes it more proportional. Thank you for your time and I will answer questions to the best of my ability.

# North Dakota Legislative Branch



*Attachment #1*

SEARCH

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## Council Links

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- Council & Committee Membership
- Council Staff
- Supplementary Rules of Operation

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## Legislative Council » General

### Overview

The Legislative Council by statute consists of 17 legislators, including the majority and minority leaders of both houses and the Speaker of the House. The Speaker appoints six other representatives, three from the majority and three from the minority as recommended by the majority and minority leaders, respectively. The Lieutenant Governor, as President of the Senate, appoints four senators from the majority and two from the minority as recommended by the majority and minority leaders, respectively.

The Legislative Council staff consists of attorneys, accountants, researchers, and auxiliary personnel who are hired and who serve on a strictly nonpartisan basis.

In addition to conducting studies, through its committees, the Council and its staff provide a wide range of services to legislators, other state agencies, and the public. Attorneys on the staff provide legal advice and counsel on legislative matters to legislators and legislative committees. The Council supervises the publication of the Session Laws, the North Dakota Century Code, and the North Dakota Administrative Code. The Council has on its staff the Legislative Budget Analyst and Auditor and assistants who provide technical assistance to Council committees and legislators and who review audit reports for the Legislative Audit and Fiscal Review Committee. The Council provides computer services to the legislative branch, including research and bill drafting capabilities. The Council's library contains a wide variety of materials and reference documents, many of which are not available from other sources.

The Legislative Council can be reached by e-mail ([lcouncil@nd.gov](mailto:lcouncil@nd.gov)), phone (701-328-2916), TTY (1-800-366-6888), FAX (701-328-3615), and mail -- Legislative Council, State Capitol, 600 East Boulevard, Bismarck, ND 58505-0360.

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*Same handbook given to Senate.*

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## Senate IBL

### HB 1222

3-20-09 – 9 am

Rep. Mike Schatz

Chairman Klein and members of the Senate Industry, Business and Labor Committee:

For the record, my name is Mike Schatz and I'm a representative from Dist. 36 which includes Dunn, Hettinger, Morton, and Stark counties

Amended version of hb 1222 makes the representation on the Legislative Council proportional. A person can get a little dizzy trying to figure out what that means but I will attempt to explain.

#### Way it is

- 17 Legislators on Legislative Council
- 8 Senators; 5 Rep., 3 Dem.; Chamber is 26 R to 21 D
- 9 Representatives; 5 Rep., 4 Dem.; Chamber is 58 R to 36 D
- Legislative Council: 10 Republicans, and 7 Democrats
- **Nothing happens if things stay the way they are**
- This bill keeps these numbers the same as long as both houses are controlled by the same party

#### What the bill does if the **houses are split** between two parties

- 8 Senators: 4 Rep., 4 Dem.; Chamber is 24 R to 23 D
- 9 Representatives; 4 Rep., 5 Dem.; Chamber is 46 R to 48 D
- Legislative Council: 9 Democrats, and 8 Republicans

The above example shows what happens if these are the numbers, in which case the Democrats would have a one vote majority on Legislative Council.

I do not know the history of why Legislative Council has such a strange representation, but this makes it more proportional. Thank you for your time and I will answer questions to the best of my ability.

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**Interim Study Procedure**

Although the Legislative Council has the authority to initiate studies or other action deemed necessary between legislative sessions, much of the Council's work results from study resolutions passed by both houses. The usual procedure is for the Council to designate committees to carry out the interim studies. A few Council committees, including the Administrative Rules Committee, the Education Finance Committee, the Electric Utilities Committee, the Employee Benefits Programs Committee, the Garrison Diversion Overview Committee, the Legislative Audit and Fiscal Review Committee, and the Legislative Ethics Committee are statutory committees with duties imposed by state law.

Regardless of the source of authority of interim committees, the Council appoints the members. Nearly all committees consist entirely of legislators, although a few citizen members are sometimes selected to serve when it is determined they can provide special expertise or insight for a study.

The Council committees hold meetings throughout the interim at which members hear testimony, review information and materials provided by staff, other state agencies, and interested persons and organizations, and consider alternatives. Occasionally, it is necessary for the Council to contract with universities, consulting firms, or outside professionals on specialized studies and projects. However, the vast majority of studies are handled entirely by the Council staff.

Committees make their reports to the full Legislative Council, usually in November preceding a regular legislative session. The Council may accept, amend, or reject a committee's report. The Legislative Council then presents the recommendations it has accepted, together with bills and resolutions necessary to implement them, to the Legislative Assembly.

On May 15, 2007, the Council selected the 2007-08 interim studies conducted by the 2007-08 interim committees.

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