

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL

Tuesday, June 16, 2009
Prairie Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Al Carlson, Merle Boucher, Chris Griffin, Gary Kreidt, Shirley Meyer, David Monson, Bob Skarphol, Robin Weisz, Lisa Wolf; Senators Robert S. Erbele, Tony S. Grindberg, Ray Holmberg, David O'Connell, Tracy Potter, Larry J. Robinson, Bob Stenehjem, Rich Wardner

Others present: Jay E. Buringrud, Allen H. Knudson, Jason J. Steckler; Legislative Council, Bismarck

RaeAnn G. Kelsch, State Representative, Mandan

See attached [appendix](#) for additional persons present.

It was moved by Senator Wardner, seconded by Senator Robinson, and carried on a voice vote to dispense with the reading of the minutes of the May 5 and May 20, 2009, meetings and to approve the minutes as distributed.

Chairman Carlson said copies of a proposed committee structure would be distributed as soon as they were ready. He said he has been working on the structure and it is being finalized and copies are being made by Legislative Council staff.

APPOINTMENTS

Chairman Carlson said the Legislative Council would take up consideration of appointments. Chairman Carlson said the first appointments to be discussed are the appointments to the Veterinary Medical Education Program Admissions Committee related to Kansas State University. He said the State Board of Higher Education staff has asked for additional time to contact 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 2007-09 biennium was Senator Bill Bowman.

It was moved by Senator Stenehjem and seconded by Senator Wardner that Senator Bill Bowman be nominated as the legislator appointee. It was moved by Representative Boucher and seconded by Senator O'Connell that Senator Ryan M. Taylor be nominated as the legislator appointee. Representatives Carlson, Kreidt, Monson, Skarphol and Weisz and Senators Erbele, Grindberg, Holmberg, Stenehjem, and Wardner voted for Senator Bowman. Representatives Boucher, Griffin, Meyer, and Wolf and Senators O'Connell, Potter, and

Robinson voted for Senator Taylor. Chairman Carlson announced that Senator Bowman is the legislator appointee to the Veterinary Medical Education Program Admissions Committee.

Chairman Carlson said the next appointments are to the Multistate Highway Transportation Agreement Cooperating Committee, consisting of a representative of the House Transportation Committee and of the Senate Transportation Committee. Chairman Carlson said the current appointees are Representative Robin Weisz and Senator Gary A. Lee.

It was moved by Senator Wardner, seconded by Senator Grindberg, and carried on a voice vote that Representative Robin Weisz and Senator Gary A. Lee be appointed to the Multistate Highway Transportation Agreement Cooperating Committee.

Chairman Carlson said the next appointments are to the Committee on Protection and Advocacy.

It was moved by Representative Weisz, seconded by Representative Monson, and carried on a voice vote that Representative Gerry Uglen and Senator Robert S. Erbele be appointed to the Committee on Protection and Advocacy.

Chairman Carlson said the next appointment to consider is the State Hospital Governing Body.

It was moved by Senator O'Connell and seconded by Representative Wolf that Senator Tim Mathern be nominated. It was moved by Representative Kreidt and seconded by Senator Stenehjem that Representative Chet Pollert be nominated. Representatives Carlson, Kreidt, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, Stenehjem, and Wardner voted for Representative Pollert. Representatives Boucher, Griffin, Meyer, and Wolf and Senators O'Connell, Potter, and Robinson voted for Senator Mathern. Chairman Carlson announced that Representative Pollert is the appointee to the State Hospital Governing Body.

Chairman Carlson said the next appointments to be considered are those to the North Dakota Commission on Uniform State Laws and the law requires that 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 Dave Nething.

It was moved by Representative Skarphol, seconded by Senator Stenehjem, and carried on a voice vote that Representative Lawrence R.

Klein and Senator Dave Nething be appointed to the North Dakota Commission on Uniform State Laws.

Chairman Carlson said the Legislative Council is to appoint two legislators to the State Information Technology Advisory Committee. He said the current appointees are Representative Bob Skarphol and Senator Rich Wardner.

It was moved by Representative Monson, seconded by Senator Stenehjem, and carried on a voice vote that Representative Bob Skarphol and Senator Rich Wardner be appointed to the State Information Technology Advisory Committee.

Chairman Carlson announced the Legislative Council is to appoint one member from each political party to serve on the Advisory Commission on Faith-Based and Community Initiatives. He said the current appointees are Representative Bette B. Grande and Senator Tim Mathern.

It was moved by Representative Kreidt, seconded by Representative Skarphol, and carried on a voice vote that Representative Bette B. Grande be appointed to the Advisory Commission on Faith-Based and Community Initiatives.

It was moved by Senator Robinson, seconded by Senator O'Connell, and carried on a voice vote that Senator Jim Pomeroy be appointed to the Advisory Commission on Faith-Based and Community Initiatives.

Chairman Carlson announced that the copies of the proposed committee structure had been delivered and the Council would be in recess while each of the caucuses met to consider the proposed committee structure.

The Council was in recess until 11:07 a.m.

Chairman Carlson said the procedure to be used would be to go through each committee and review the proposed committee membership and entertain any suggested changes by Council members.

Regarding the Administrative Rules Committee, Representative Boucher suggested that Representative Joe Kroeber, Representative Lonny Winrich, and Senator Joan Heckaman be added to the membership of the committee.

Regarding the Advisory Commission on Intergovernmental Relations, Representative Boucher recommended that Representative Eliot Glassheim replace Senator Tracy Potter as a commission member and that Senator Arden C. Anderson be chairman.

Regarding the Agriculture Committee, Representative Boucher suggested Senator Aaron Krauter and Senator John Warner be added to the committee. Senator Stenehjem suggested that Senator Tim Flakoll be added to the committee.

Regarding the Commission on Alternatives to Incarceration, Representative Boucher suggested Representative Louise Potter replace Representative Lisa Wolf and also serve as chairman.

Regarding the Employee Benefits Programs Committee, Representative Boucher suggested

Representative Lisa Wolf replace Representative Jasper J. Schneider and also serve as chairman.

Regarding the Government Services Committee, Representative Boucher suggested Representative Kari L. Conrad, Representative Lisa Wolf, and Senator Tracy Potter be added to the committee.

Regarding the Health and Human Services Committee, Senator Stenehjem suggested Senator Robert S. Erbele be added to the committee.

Regarding the Higher Education Committee, Chairman Carlson announced that Senator David Hogue would be removed from the committee. Representative Boucher suggested Representative Louis Pinkerton and Senator JoNell A. Bakke be added to the committee.

Regarding the Information Technology Committee, Representative Boucher suggested Representative Corey Mock or Representative Lonny Winrich and Senator Richard Marcellais be added to the committee.

Regarding the Judicial Process Committee, Representative Boucher suggested Senator Arden C. Anderson be added to the committee.

Regarding the Legislative Procedure and Arrangements Committee, Chairman Carlson announced that Senator Jerry Klein is the Senate President Pro Tempore member on the committee.

Regarding the Long-Term Care Committee, Representative Boucher suggested Senator Joan Heckaman be added to the committee.

Regarding the Natural Resources Committee, Senator Stenehjem suggested Senator David Hogue and Senator Bill Bowman be added to the committee.

Regarding the Public Safety and Transportation Committee, Representative Carlson suggested Representative Matthew M. Klein be added to the committee and Representative Boucher suggested Senator Richard Marcellais be added to the committee.

Regarding the Taxation Committee, Senator Stenehjem asked that he be added to the committee.

Regarding the Water-Related Topics Overview Committee, Representative Boucher suggested Representative Lee Kaldor be added to the committee and Senator Joan Heckaman replace Senator Elroy N. Lindaas on the committee.

Regarding the Workers' Compensation Review Committee, Representative Boucher suggested Senator JoNell A. Bakke replace Senator Richard Marcellais on the committee.

Regarding the Workforce Committee, Senator Larry J. Robinson said he would be willing to serve on the committee.

Chairman Carlson then asked for Legislative Council input regarding the chairmanship of each committee. Representative Boucher suggested that Senator Arden C. Anderson be the Advisory Commission on Intergovernmental Relations chairman and that Representative Eliot Glassheim be the vice chairman.

Regarding the Commission on Alternatives to Incarceration, Representative Boucher suggested that

Senator Tracy Potter be the committee chairman and that Senator John Warner be the vice chairman.

Regarding the Employee Benefits Programs Committee, Representative Boucher suggested that Representative Lisa Wolf be the committee chairman and that Senator Carolyn Nelson be the vice chairman.

Regarding the Government Services Committee, Representative Boucher suggested that Senator Tracy Potter be the committee chairman and that Representative Ralph Metcalf be the vice chairman.

Regarding the Industry, Business, and Labor Committee, Senator Stenehjem said Senator David Hogue should be named the vice chairman replacing Senator Terry M. Wanzek.

Regarding the Information Technology Committee, Senator Robinson said Representative Lonny Winrich would be the vice chairman if appointed to the committee.

Regarding the Judicial Process Committee, Representative Meyer announced that Senator Tom Fiebiger would serve as vice chairman.

Regarding the Judiciary Committee, Representative Griffin announced that Senator Mac Schneider would serve as vice chairman.

Regarding the Legislative Audit and Fiscal Review Committee, Chairman Carlson announced that Representative RaeAnn G. Kelsch would serve as vice chairman.

Regarding the Long-Term Care Committee, Chairman Carlson announced that Representative Gerry Uglem would serve as vice chairman.

Regarding the Public Safety and Transportation Committee, Senator O'Connell announced that Representative James Kerzman would serve as vice chairman.

Regarding the Workers' Compensation Review Committee, Representative Boucher suggested that Representative Bill Amerman serve as chairman and Senator JoNell A. Bakke serve as vice chairman.

Chairman Carlson announced that the Legislative Council would recess until 12:30 p.m. for additional consideration of the committee structure.

Chairman Carlson said the Legislative Council would finalize the committee structure beginning with the Workers' Compensation Review Committee.

It was moved by Senator O'Connell, seconded by Representative Wolf, and failed on a roll call vote that Senator JoNell A. Bakke replace Senator Richard Marcellais on the Workers' Compensation Review Committee and that Representative Bill Amerman be the committee chairman. Representatives Carlson, Boucher, Griffin, Meyer, and Wolf and Senators O'Connell, Potter, and Robinson voted "aye." Representatives Kreidt, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, Stenehjem, and Wardner voted "nay."

It was moved by Representative Monson, seconded by Senator Holmberg, and carried on a voice vote to approve the Workers' Compensation Review Committee structure as presented.

It was moved by Senator Robinson, seconded by Representative Wolf, and carried on a voice vote that the proposed structure for the Administrative Rules Committee be changed to add Representative Joe Kroeber, Representative Lonny Winrich, and Senator Joan Heckaman and the committee structure be approved as changed.

It was moved by Senator Stenehjem, seconded by Representative Skarphol, and carried on a roll call vote to approve the committee structure of the Advisory Commission on Intergovernmental Relations as presented. Representatives Kreidt, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, Stenehjem, and Wardner voted "aye." Representatives Carlson, Boucher, Griffin, Meyer, and Wolf and Senators O'Connell, Potter, and Robinson voted "nay."

It was moved by Senator O'Connell, seconded by Senator Robinson, and carried on a voice vote to approve the Agriculture Committee structure as presented with the additions of Senator Aaron Krauter, Senator John Warner, and Senator Tim Flakoll.

It was moved by Representative Boucher, seconded by Representative Wolf, and failed on a roll call vote that Representative Louise Potter replace Representative Lisa Wolf on the Commission on Alternatives to Incarceration and Representative Louise Potter serve as chairman. Representatives Boucher, Griffin, Meyer, and Wolf and Senators O'Connell, Potter, and Robinson voted "aye." Representatives Carlson, Kreidt, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, Stenehjem, and Wardner voted "nay."

It was moved by Representative Monson, seconded by Senator Stenehjem, and carried on a voice vote to approve the structure for the Commission on Alternatives to Incarceration as presented.

It was moved by Senator Wardner, seconded by Senator Stenehjem, and carried on a voice vote to approve the committee structure for the Education Committee as presented.

It was moved by Representative Boucher, seconded by Representative Wolf, and carried on a voice vote to change the Employee Benefits Programs Committee structure as presented to replace Representative Jasper J. Schneider with Representative Lisa Wolf and that the structure be approved as changed.

It was moved by Senator Stenehjem, seconded by Representative Kreidt, and carried on a voice vote to approve the proposed structure for the Energy Development and Transmission Committee as presented.

It was moved by Representative Boucher, seconded by Representative Wolf, and carried on a voice vote to change the presented committee structure for the Government Services Committee to add Representative Kari L. Conrad and Representative Louise Potter and that the committee structure be approved as changed.

It was moved by Senator Stenehjem, seconded by Representative Skarphol, and carried on a voice vote to approve the proposed committee structure for the Health and Human Services Committee, with the addition of Senator Robert S. Erbele.

The committee discussed the membership of the Higher Education Committee. It was agreed to add Senator David O'Connell and Representative Kenton Onstad to the presented committee structure and to remove Senator David Hogue.

It was moved by Senator Grindberg, seconded by Senator Stenehjem, and carried on a voice vote to approve the proposed committee structure for the Higher Education Committee as changed.

It was moved by Senator Stenehjem, seconded by Senator Wardner, and carried on a voice vote that the proposed committee structure of the Industry, Business, and Labor Committee be approved as changed, including Senator David Hogue as vice chairman.

It was moved by Senator Stenehjem, seconded by Representative Monson, and carried on a roll call vote that the proposed committee structure of the Information Technology Committee be approved, reflecting Representative Lonny Winrich replacing Representative Keith Kempenich. Representatives Carlson, Griffin, Kreidt, Meyer, Monson, Skarphol, Weisz, and Wolf and Senators Erbele, Grindberg, Holmberg, O'Connell, Potter, Robinson, Stenehjem, and Wardner voted "aye." Representative Boucher voted "nay."

It was moved by Representative Boucher, seconded by Representative Wolf, and carried on a voice vote to further amend the Information Technology Committee structure to replace Representative Ken Svedjan with Representative Corey Mock.

It was moved by Senator Wardner, seconded by Representative Wolf, and carried on a voice vote to approve the Judicial Process Committee structure as presented, reflecting the addition of Senator Arden C. Anderson.

It was moved by Representative Griffin, seconded by Senator Robinson, and carried on a voice vote to approve the Judiciary Committee structure as presented, with the addition of Representative Jasper J. Schneider.

It was moved by Representative Skarphol, seconded by Representative Kreidt, and carried on a voice vote to approve the Legislative Audit and Fiscal Review Committee structure as presented, reflecting Representative RaeAnn G. Kelsch as vice chairman.

It was moved by Senator Stenehjem, seconded by Representative Monson, and carried on a voice vote to approve the Legislative Procedure and Arrangements Committee membership as presented, reflecting the adjustment to add Senator Jerry Klein as President Pro Tempore.

It was moved by Senator Robinson, seconded by Representative Wolf, and carried on a voice

vote to approve the membership of the Long-Term Care Committee as presented, with the addition of Senator Joan Heckaman.

It was moved by Senator Robinson, seconded by Representative Wolf, and carried on a voice vote to approve the membership of the Natural Resources Committee as presented, with the addition of Senator David Hogue, Senator Bill Bowman, and Representative James Kerzman.

It was moved by Representative Skarphol, seconded by Representative Weisz, and carried on a voice vote to approve the committee structure for the Public Safety and Transportation Committee as presented, with the addition of Representative Matthew M. Klein and Senator Richard Marcellais.

It was moved by Representative Skarphol, seconded by Senator Wardner, and carried on a voice vote to approve the committee structure of the Taxation Committee as presented, with the addition of Senator Bob Stenehjem.

It was moved by Senator Wardner, seconded by Representative Wolf, and carried on a voice vote to approve the committee structure of the Tribal and State Relations Committee as presented.

It was moved by Representative Skarphol, seconded by Representative Kreidt, and carried on a roll call vote to approve the committee structure of the Water-Related Topics Overview Committee as presented, reflecting Senator Joan Heckaman replacing Senator Elroy N. Lindaas. Representatives Carlson, Kreidt, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, Stenehjem, and Wardner voted "aye." Representatives Boucher, Griffin, Meyer, and Wolf and Senators O'Connell, Potter, and Robinson voted "nay."

It was moved by Senator Grindberg, seconded by Representative Wolf, and carried on a voice vote to approve the committee structure of the Workforce Committee as presented, with the additions of Senator Larry J. Robinson and Representative Lee Kaldor.

It was moved by Senator Grindberg, seconded by Senator Stenehjem, and carried on a roll call vote to approve the interim Legislative Council committee structure as adjusted. Representatives Carlson, Boucher, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, Robinson, Stenehjem, and Wardner voted "aye." Representatives Griffin and Wolf and Senators O'Connell and Potter voted "nay."

Representative Boucher commented on the process establishing the interim committee membership. He said it is unfair for Legislative Council members to have only a limited time to react to the proposed committee structure presented by the Legislative Council chairman. He suggested that in the future that information be provided ahead of the meeting, at least two or three days in advance.

Chairman Carlson said he will do what he can to expedite that process in 2011.

RULES OF OPERATION AND PROCEDURE

The director distributed a document detailing the [Proposed Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#) for the 2009-10 interim. The director said the major change was to reflect the name change of the 17-member committee from Legislative Council to Legislative Management. He said the document is used as instructions for the interim committee staff and committee chairmen and discusses the conducting of meetings, committees' jurisdictions, and the authority of the Legislative Management chairman between Legislative Management meetings.

Chairman Carlson said the same rules apply as in previous interims--the dress code should be business, and he asked that committee chairmen inform the Legislative Management chairman when they travel the state so that costs can be coordinated with the budget. Senator Holmberg said Council members may obtain from the Legislative Council a summary of the number of committee meetings and related costs for the 2007-08 interim which may be of value to them. Representative Meyer asked a question regarding the requirement that no bill draft other than the one drafted by the Legislative Council staff may be approved by a committee unless it has been considered on at least two meeting days. The director indicated that is to provide sufficient public input and applies to bill drafts not drafted by Legislative Council staff. The assistant director clarified that a committee could meet on consecutive days and meet the requirements of that provision.

It was moved by Senator Robinson, seconded by Representative Meyer, and carried on a roll call vote that the *Proposed Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management* be approved. Representatives Carlson, Boucher, Griffin, Kreidt, Meyer, Monson, Skarphol, Weisz, and Wolf and Senators Erbele, Holmberg, O'Connell, Robinson, Stenehjem, and Wardner voted "aye." Senator Potter voted "nay."

LEGEND UPDATE

Mr. Jason J. Steckler, Information Technology Director, provided the Legislative Council with an update of the status of the legislative enterprise system of North Dakota (LEGEND). He explained that the development includes a partnership with the Propylon group that has developed and is working on systems in the states of Pennsylvania, Oregon, and Kansas and the North Dakota Information Technology Department. He said Propylon uses an agile development process, which requires significant monitoring on the part of project management. He

said the staff will continue to provide updates to the Legislative Council and the interim Information Technology Committee. He said Propylon has eight employees onsite working on the project and the Information Technology Department has six employees onsite working in the clerk area behind the Senate chamber.

In response to a question from Senator Robinson, Mr. Steckler said that the staffing effort by Propylon will vary from the current level of 8 employees onsite to a maximum of 12 employees.

EMPLOYEE ASSISTANCE PROGRAM

Chairman Carlson 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 Council regarding the continuation of the employee assistance program through the St. Alexius program.

It was moved by Representative Skarphol, seconded by Senator Robinson, and carried on a voice vote that the chairman of the Legislative Council be authorized to continue to use the St. Alexius employee assistance program for members of the Legislative Assembly.

2011 LEGISLATIVE CALENDAR

The chairman called on the director to discuss the proposed [2011 Legislative Deadlines](#). The director indicated that under the state constitution the 2011 legislative session will begin at 12:00 noon on the first Tuesday after the third day in January which is Tuesday, January 4, 2011. He said unless the Legislative Council decides to set a different date that will be the date that will be used for the 2011 session. Chairman Carlson said starting the session on a Tuesday allows sufficient time for legislators to travel after the weekend and provides a complete first week of the legislative session.

It was moved by Senator Holmberg, seconded by Representative Skarphol, and carried on a voice vote that the Legislative Council approve the proposed start date of January 4, 2011, for the 62nd Legislative Assembly.

It was moved by Senator Robinson, seconded by Representative Wolf, and carried on a voice vote that the meeting be adjourned. Chairman Carlson adjourned the meeting at 1:50 p.m.

Jim W. Smith
Director

ATTACH:1