

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE MANAGEMENT

Monday, June 10, 2013
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 10:00 a.m.

Members present: Senators Ray Holmberg, Dwight Cook, Joan Heckaman, Dave Oehlke, Larry J. Robinson, Mac Schneider, Ronald Sorvaag, Rich Wardner; Representatives Al Carlson, Chuck Damschen, Bill Devlin, Ron Guggisberg, Brenda Heller, Marvin E. Nelson, Kenton Onstad, Mark S. Owens, Jim Schmidt

Others present: Allen H. Knudson, John Bjornson; Legislative Council, Bismarck

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

It was moved by Senator Robinson, seconded by Representative Guggisberg, and carried on a voice vote that the minutes of the May 20, 2013, meeting be approved as distributed.

STATUTORY MEMBERSHIP APPOINTMENTS

Chairman Holmberg said the Legislative Management would consider appointments to statutory entities other than interim committees. He said the first appointments to be discussed are the appointments to the Veterinary Medical Education Program Admissions Committee related to Kansas State University.

The Director indicated the Legislative Council is waiting for a letter from the Chancellor of the North Dakota University System, suggesting 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 2011-13 biennium was Senator Bill L. Bowman.

It was moved by Senator Wardner, seconded by Representative Owens, and carried on a roll call vote that Senator Bill L. Bowman be appointed to the Veterinary Medical Education Program Admissions Committee. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, and Wardner and Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens, and Schmidt voted "aye." No negative votes were cast.

Chairman Holmberg said the next appointments are to the Multistate Highway Transportation Agreement Cooperating Committee, consisting of a representative of the House Transportation

Committee and a representative of the Senate Transportation Committee. He said the current appointees are Representative Robin Weisz and Senator Gary A. Lee.

It was moved by Representative Carlson, seconded by Senator Robinson, and carried on a roll call vote that Representative Dan Ruby and Senator Dave Oehlke be appointed to the Multistate Highway Transportation Agreement Cooperating Committee. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, and Wardner and Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens, and Schmidt voted "aye." No negative votes were cast.

Chairman Holmberg said the next appointments are to the Committee on Protection and Advocacy. He said the 2011 appointees were Senator Gerald Uglen and Representative Andrew G. Maragos.

It was moved by Representative Carlson, seconded by Senator Cook, and carried on a roll call vote that Representative Andrew G. Maragos and Senator Dick Dever be appointed to the Committee on Protection and Advocacy. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, and Wardner and Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens, and Schmidt voted "aye." No negative votes were cast.

Chairman Holmberg said the next appointment to consider is the State Hospital Governing Body. He said the current appointee is Representative Chet Pollert, and Representative Al Carlson said he does not wish to be reappointed.

It was moved by Representative Onstad and seconded by Senator Schneider that Representative Kathy Hogan be appointed to the State Hospital Governing Body.

It was moved by Representative Devlin and seconded by Representative Owens that Representative Alan Fehr be appointed to the State Hospital Governing Body.

It was moved by Representative Owens and seconded by Representative Heller that Representative Karen M. Rohr be appointed to the State Hospital Governing Body.

Senators Holmberg, Oehlke, and Wardner voted for Representative Fehr; Senators Cook and Sorvaag and Representatives Carlson, Damschen, Devlin, Heller, Owens, and Schmidt voted for Representative Rohr; and Senators Heckaman, Robinson, and

Schneider and Representatives Guggisberg, Nelson, and Onstad voted for Representative Hogan.

The committee then voted for Representative Hogan or Representative Rohr and selected Representative Rohr. Senators Holmberg, Cook, Oehlke, Sorvaag, and Wardner and Representatives Carlson, Damschen, Devlin, Heller, Owens, and Schmidt voted for Representative Rohr and Senators Heckaman, Robinson, and Schneider and Representatives Guggisberg, Nelson, and Onstad voted for Representative Hogan.

Chairman Holmberg said the next appointments to be considered are to the North Dakota Commission on Uniform State Laws. He said the law requires 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 Senator Wardner, seconded by Representative Carlson, and carried on a roll call vote that Representative Lawrence R. Klemin and Senator David Hogue be appointed to the North Dakota Commission on Uniform State Laws. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, and Wardner and Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens, and Schmidt voted "aye." No negative votes were cast.

Chairman Holmberg said the Legislative Management is to appoint two legislators to the State Information Technology Advisory Committee. He said the current appointees are Representative Robert J. Skarphol and Senator Rich Wardner.

It was moved by Senator Schneider, seconded by Senator Heckaman, and carried on a voice vote that Senator Larry J. Robinson be appointed to the State Information Technology Advisory Committee.

It was moved by Representative Heller, seconded by Representative Carlson, and carried on a voice vote that Representative Mark S. Owens be appointed to the State Information Technology Advisory Committee.

RULES OF OPERATION AND PROCEDURE

The Director reviewed a document detailing the proposed [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#). He said the rules generally are the same as in the past but have been revised to provide that the Legislative Council staff encourage presenters to submit an electronic version of testimony in advance of the meeting whenever possible.

It was moved by Representative Carlson, seconded by Senator Robinson, and carried on a roll call vote that the proposed *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management* be approved. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, and Wardner and

Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens, and Schmidt voted "aye." No negative votes were cast.

EMPLOYEE ASSISTANCE PROGRAM

Chairman Holmberg 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 Management regarding the continuation of the employee assistance program through the St. Alexius program.

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

2013 LEGISLATION

The Director distributed a memorandum entitled [2013 Legislation Directly Affecting the Legislative Management and the Legislative Assembly](#). The memorandum describes legislation establishing new statutory committees, requirements for reporting to the Legislative Management or Legislative Assembly, and reporting or approval requirements of the Budget Section.

INTERIM COMMITTEE APPOINTMENTS

Chairman Holmberg referred to an initial committee membership list that identifies the proposed membership for all committees and the Chairman and Vice Chairman of each committee. He said most committees have approximately 16 members, but some are limited by statute, e.g., the Advisory Commission on Intergovernmental Relations is limited to four legislators. He said most members received their first preference for the committee, unless that could not be accommodated by the committee size and demand. He said the initial membership list also identifies those members not within the committee membership but who expressed a preference for the committee.

Senator Heckaman questioned the lack of committee Chairmen representing the minority party.

Chairman Holmberg said a concern is the continuity from the interim to the legislative session. He said continuity is difficult to maintain if members of the minority chair interim committees.

Senator Schneider said the interim process is intended to be bipartisan. He said he disagrees with the reasoning about continuity. He said he does not view recommendations of interim committees as political.

Chairman Holmberg said the committee would discuss the memberships as proposed. He said the procedure to be used would be to review the proposed membership of each committee and

consider any suggested changes by the Legislative Management members.

After reviewing the initial document, the committee recessed to allow the caucuses to discuss memberships.

Chairman Holmberg reconvened the meeting at 11:40 a.m.

Chairman Holmberg asked for any further suggestions regarding membership.

Regarding the Administrative Rules Committee, Representative Holmberg suggested Representative Peter F. Silbernagel replace Representative Chuck Damschen.

Regarding the Commission on Alternatives to Incarceration, Representative Carlson suggested Representatives Lawrence R. Klemin and William E. Kretschmar be added and Representative Kretschmar be Vice Chairman.

Regarding the Education Funding Committee, Representative Owens suggested Representative Ben Koppelman replace Representative Joe Heilman.

Regarding the Energy Development and Transmission Committee, Representative Carlson suggested Representative Mike Schatz replace Representative Roger Brabandt.

Regarding the Government Finance Committee, Representative Onstad suggested Representative Rick Holman be added.

Regarding the Government Services Committee, Representative Devlin suggested Representative George J. Keiser be added.

Regarding the Health Care Reform Review Committee, Representative Carlson suggested Representative Alan Fehr be added.

Regarding the Health Services Committee, Senator Schneider suggested Senator Tim Mathern be added.

Regarding the Information Technology Committee, Senator Cook suggested Senator Randall A. Burckhard replace Senator Terry M. Wanzek, and Representative Carlson suggested Representative Mark S. Owens replace Representative Alan Fehr.

Regarding the Legislative Audit and Fiscal Review Committee, Representative Onstad suggested Representatives Scot Kelsh and Ron Guggisberg be added.

Regarding the Taxation Committee, Senator Schneider suggested Senator George B. Sinner be added, which was not approved. Senator Cook suggested that Representative Jim Schmidt replace Representative Larry Bellew.

Regarding the Tribal and State Relations Committee, Representative Carlson suggested Representatives Wayne Trottier and Dennis Johnson be added and Representative Johnson be Chairman and Senator Oley Larsen be Vice Chairman.

Regarding the Water Topics Overview Committee, Representative Carlson suggested Representative Naomi Muscha replace Representative Scot Kelsh.

Regarding the Workers' Compensation Review Committee, Representative Carlson suggested Representatives Gary R. Sukut and Curtiss Kreun be added. Chairman Holmberg said Senator Lonnie J. Laffen would be Chairman and Representative Kreun would be Vice Chairman.

It was moved by Representative Carlson, seconded by Representative Owens, and carried on a roll call vote to approve the interim Legislative Management committee structure as adjusted. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Sorvaag, and Wardner and Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens, and Schmidt voted "aye." Senator Schneider voted "nay."

Approved [2013-14 Interim Committee Structure](#).

No further business appearing, Chairman Holmberg adjourned the meeting at 12:20 p.m.

Jim W. Smith
Director

ATTACH:1