

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL

Tuesday, May 1, 2001
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Wesley R. Belter, Acting Chairman, called the meeting to order at 11:00 a.m.

Members present: Representatives Wesley R. Belter, LeRoy G. Bernstein, Merle Boucher, Duane DeKrey, Jeff Delzer, John Mahoney; Senators Dwight Cook, Aaron Krauter, Dave Nething, Bob Stenehjem

Members present through conference call: Representatives Lois Delmore, Scot Kelsh, Amy N. Kliniske; Senators John M. Andrist, Judy Lee, Tim Mathern, Larry J. Robinson

Others present: Dale Wetzal, Associated Press, Bismarck

Dave Thompson, North Dakota Public Radio, Bismarck

Janell Cole, The Forum, Bismarck

Rod Froelich, State Representative, Selfridge

Dick Dever, State Senator, Bismarck

Ed Kringstad, State Senator, Bismarck

Jim W. Smith, Karen Mund; Legislative Council, Bismarck

Representative Belter announced that nominations for chairman of the Legislative Council were open. Senator Cook nominated Representative Belter. Representative Boucher nominated Senator Krauter.

It was moved by Representative DeKrey, seconded by Representative Delzer, and carried on a voice vote that nominations cease. On a roll call vote, Representatives Bernstein, DeKrey, Delzer, Kelsh, Kliniske, and Mahoney and Senators Andrist, Cook, Krauter, Lee, Mathern, Nething, Robinson, and Stenehjem voted for Representative Belter. Representatives Belter, Boucher, and Delmore voted for Senator Krauter. Representative Belter was elected chairman.

It was moved by Senator Krauter, seconded by Representative Delmore, and carried on a voice vote that a unanimous ballot be cast for Representative Belter as chairman of the Legislative Council.

Chairman Belter thanked the members for their support. He said the Legislative Council has a full agenda for the 2001-02 interim and urged everyone to work together to accomplish the challenges of this interim.

Chairman Belter announced that nominations for vice chairman of the Legislative Council were open. Representative DeKrey nominated Senator

Stenehjem and Senator Cook seconded the nomination. Representative Mahoney nominated Senator Krauter and Senator Mathern seconded the nomination. On a roll call vote, Representatives Belter, Bernstein, DeKrey, Delmore, Delzer, and Kliniske and Senators Andrist, Cook, Krauter, Lee, and Nething voted for Senator Stenehjem; and Representatives Boucher, Kelsh, and Mahoney and Senators Mathern, Robinson, and Stenehjem voted for Senator Krauter. Senator Stenehjem was elected vice chairman.

It was moved by Senator Krauter, seconded by Senator Nething, and carried on a voice vote that a unanimous ballot be cast for Senator Stenehjem as vice chairman of the Legislative Council.

Mr. John D. Olsrud, Director, Legislative Council, described the usual process for selecting studies and establishing interim committees. Usually, he said, the Council meets two to three weeks after the legislative session to review study directives and establish priorities for discretionary studies. He said the Council authorizes the chairman to establish a committee structure based on the study directives approved for the interim, and a survey is sent to each legislator asking for committee preferences. He said it takes approximately two to three weeks to distribute, return, and tabulate the results from legislators. He said the chairman puts together a tentative committee list and presents that list to the Legislative Council, which approves committee membership assignments.

The Council discussed various dates for the meeting in May. Chairman Belter announced that the Legislative Council would meet on Monday, May 14, to prioritize studies and would schedule a meeting later to approve an interim committee structure.

The director informed the Legislative Council that the Attorney General will be requested to issue an opinion on the validity of the Governor's veto of Section 7 of Senate Bill No. 2012, relating to speed limits. He said the veto of a substantive provision in an appropriations bill without any veto of an appropriation appears to be questionable based on the North Dakota Supreme Court's holding in *State ex rel. Link v. Olson*, a 1979 case in which the Supreme Court discussed the parameters of the Governor's item veto authority. He said the request for an opinion is based on the Legislative Council's responsibility to determine the version of law which should be

published in the North Dakota Century Code supplements.

It was moved by Representative DeKrey, seconded by Representative Mahoney, and carried on a voice vote that the meeting be adjourned. No further business appearing, Chairman Belter adjourned the meeting at 11:30 a.m.

Jay E. Buringrud
Assistant Director

John D. Olsrud
Director