

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 5, 2004 in Room 231-N of the Capitol.

All members were present except:

Senator James Barnett- excused
Senator Mark Gilstrap- excused

Committee staff present:

Russell Mills, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
John Beverlin, Committee Secretary

Conferees appearing before the committee:

Senator Bill Bunten

Others attending:

See Attached List.

Chairperson Brungardt started the meeting by explaining the agenda for the day and for the following week, to the committee.

Chairperson Brungardt welcomed Senator Bunten to the podium to explain to the committee **SR 1804; Duties of Committee on Organization, Calendar and Rules for appointing committee members, chairperson, vice chairpersons and ranking minority members transferred to president of senate** (Attachment 1).

Chairperson Brungardt asked the committee for questions.

Senator Vratil asked Senator Bunten to explain the problem that exists, which **SR 1804** would correct.

Senator Bunten stated he had not seen a problem yet, but he does see a possibility of the problem happening.

Senator Vratil explained a brief history of the Senate, and the reason for the adoption of the rule that would not concentrate so much power in the hands of the Senate President; but would call for appointments to committees to be made by the Committee on Organization.

Senator Brungardt stated that Senator Bunten's proposal would concentrate power instead of diffuse power.

Senator Bunten stated that Senator Brungardt was correct.

Senator Clark presented some material to the committee (Attachment 2)(Attachment 3) to counter Senator Bunten's testimony.

Senator Clark started by explaining that the first week of session in 1995, there could be a request for roll call by the showing of 12 hands. On January 25, 1995, there was a rule change. He explained that the rule went from 12 to ten hands, with five hands from each political party, to take a roll call vote. He stated that because of this change, there were very few roll call votes the first two years he served in the senate.

Senator Clark explained the amendment of four rules at the start of the session in 1997. He explained that rule 11 required 27 votes to pull a bill out of committee, but was changed to 24 in 1997. He explained that the reason behind the change was because the Senate President, the Majority Leader, and the 12 Committee Chairs made up 14 of the votes. He explained that there was no way to get to 27 votes if those 14 protected each other. Therefore, the rule was useless.

Senator Clark explained to the committee that the rule changes highlighted in his testimony were meant to diffuse power and prevented the concentration of too much power. He stated he believed the concentration of power will have gone too far, if the President of the Senate was given the ability to take away any

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on February 5, 2004 in Room 231-N of the Capitol.

Senator's chairmanship.

Senator Bunten explained that sometimes the Senate leadership needs the extra help this concentration of power would give him/her.

Chairperson Brungardt thanked Senator Bunten and asked the committee for additional comments.

Senator O' Connor concurred with what was said by Senator Clark.

Chairperson Brungardt stated he sensed there would be no further discussion or action taken on **SR 1804**. He brought up **SB 290; Revising the membership of the capitol area plaza authority**, and asked the committee for further discussion.

Senator Clark stated the problem with **SB 290** was making sure the executive branch still has the majority in appointing authority.

Theresa Kiernan answered that by reducing the number of members from 13 to 11; you reduce also the quorum number from eight to seven. The legislators would have the majority of the quorum and could dominate power. Ms. Kiernan suggested raising the quorum to eight, or before any action could be taken, have the vote of at least five members. She stated this would prevent the legislators from having too much power.

Senator Clark asked if the Capitol Area Plaza includes the proposed pedestrian mall.

Ms. Kiernan stated she could not tell if it did or not.

Chairperson Brungardt stated that the committee would wait to take further action until additional questions could be answered.

The meeting was adjourned at 11:15 a.m. The next meeting is scheduled for February 10, 2004, at 10:30 a.m. in room 231-N.