

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 26, 2004

particularly by me, about her ability to be fair, impartial, and do a good job. I felt that she had good qualifications. However, in addition to needing to take pause here, I think it raises the larger question, at least two larger questions: one, that we do need to take more individual responsibility in all of the committees for all of these appointments, and that we need to look more closely, even though we're limited in time, limited in information. And this was one of those cases where we did not know about this investigation, and we did not know when the appointment came to us that there was anything going on. So some of the egg that I may feel is perhaps on my face, I think should certainly be on the faces of DEQ for not, at least in confidence if nothing else, giving the committee members that information in an earlier manner. And my understanding is that this investigation has been going on for approximately a year and we didn't get the information until this session. We should, as committee members, have at least known about that. So the one issue is encouraging all of us to take more seriously the kinds of questions we ask these appointments, encouraging the administration to look more closely at these appointments, and to get better information in a more timely fashion from agencies. And the bigger issue that I've raised year after year now is the makeup of the Environmental Quality Council. We have 16 people that serve at the pleasure of the Governor and the Legislature. They're appointed by the Governor, they are confirmed by the Legislature, and nearly every one of these people has the potential to be a "regulatee." They are people that NDEQ and the EPA are regulating in their capacity as individual businesses. These "regulatees" that are being regulated by NDEQ give the short list of who's going to be the director of NDEQ to the Governor to select that director from. So they pick the director, in essence. They also set the guidelines, the rules, the regulations, and put those into practice in how they're going to be regulated. Again, I say this is the fox guarding the henhouse. We only have two professional people on this board. One has to be a physician. That's an appropriate kind of position, although I think a pediatrician would be more appropriate because a pediatrician understands children better and the implications of these environmental regulations, specifically, how they apply to children. And we have a professional engineer. There's no