

May 2007

STUDIES TO BE CONSIDERED BY THE LEGISLATIVE COUNCIL FOR THE 2007-08 INTERIM

Under North Dakota Century Code (NDCC) Section 54-35-02, the Legislative Council may prioritize studies assigned by concurrent resolution and may appoint committees to conduct studies and perform other duties assigned by the Legislative Council. In addition, a number of Legislative Council committees are established by statute or, as in the case of the Budget Section and the Legislative Management Committee, are not established by statute but have duties assigned by statute or in temporary provisions in bills passed in 2007. The statutorily established or recognized committees and their general responsibilities are:

- Administrative Rules Committee - Review state agency rulemaking.
- Advisory Commission on Intergovernmental Relations - Study local government structure.
- Budget Section - Statutory review and approval responsibilities.
- Commission on Alternatives to Incarceration (expires July 1, 2009) - Study sentencing alternatives.
- Correctional Facility Review Committee (expires July 1, 2009) - Develop correctional facility concepts.
- Employee Benefits Programs Committee - Public employee retirement programs and health plans.
- Energy Development and Transmission Committee (expires August 1, 2011) - Study energy industry.
- Information Technology Committee - Review state information technology.
- Legislative Audit and Fiscal Review Committee - Review state financial transactions.
- Legislative Management Committee - Administer legislative committee room renovation appropriation.
- Legislative Ethics Committee - Legislative ethics code (traditionally assigned to Legislative Management Committee).
- Tribal and State Relations Committee (expires July 1, 2009) - Study tribal-state issues.
- Workers Compensation Review Committee - Review workers compensation claims.

The following table identifies the bills and resolutions to be prioritized by the Legislative Council for study during the 2007-08 interim under authority of North Dakota Century Code Section 54-35-02.

Bill or Resolution No.	Subject Matter
1473 § 1 (2005)	(Required Study by the Commission on Alternatives to Incarceration - Until July 1, 2009) Study sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues
1028 § 1	(Required Study by the 12-Member Energy Development and Transmission Committee - Until August 1, 2011) Study development of each facet of the energy industry, from the obtaining of the raw natural resource to the sale of the final product in this state, other states, and other countries
1462 § 4	(Required Study by the Energy Development and Transmission Committee - Until August 1, 2011) Study the impact of a comprehensive energy policy for the state (in addition to the development of each facet of the energy industry)
1456 § 1	(Required Study) Study the siting and decommissioning of commercial wind farms, including identification of key issues of public and industry concern; solicitation of public input from local government officials, electric utilities, the wind industry, landowners, farm organizations, and other concerned interests; review of the laws and policies of other jurisdictions; recommendations concerning laws or policies needed in this state to address wind farm siting and reclamation of wind farm sites; and the decommissioning of wind farm sites
2180 § 8	Study the agronomic, economic, and environmental issues related to biofuels production in North Dakota, including the availability of feedstocks and other production resources, existing and future production capacity, farmer and processor contracting models, public and private financial incentives, and the transportation infrastructure necessary to meet optimum production and marketability levels for biofuels in this state
1156 § 1	(Required Study by the Six-Member Workers' Compensation Review Committee) Review workers' compensation claims that are brought to the committee by injured workers for the purpose of determining whether changes should be made to the laws relating to workers' compensation
1460 § 4	Study the workforce safety and insurance governance changes made during the 2007 legislative session

Bill or Resolution No.	Subject Matter
2402 § 1	(Required Study by the Seven-Member Tribal and State Relations Committee - Until August 1, 2009) Study tribal-state issues, including government-to-government relations, the delivery of services, case management services, child support enforcement, and issues related to the promotion of economic development
1092 § 37	Study the application of and the desirability of changing the law relating to the welfare of Indian children when placed in the care of individuals other than parents and the effect of the Indian Child Welfare Act on state law
1015 § 10	(Required Study by a Six-Member Correctional Facility Review Committee) Engage consultant and architectural services, subject to Legislative Council approval, for the development of three correctional facility concepts to address the immediate and future needs of the State Penitentiary
4029	Study the feasibility and desirability of transferring some of the facilities and property of the State Hospital from the Department of Human Services to the Department of Corrections and Rehabilitation, including consideration of any constitutional, legal, and financial issues related to a transfer and creation of a comprehensive plan for the care of individuals with mental illness and care for individuals addicted to alcohol or other drugs and for the best use of the State Hospital facilities and property, including the continuation of a state hospital in Jamestown to provide necessary services to individuals with mental illness and drug addiction and alcoholism
1018 § 19	(Required Study by an Economic Development Committee) Participate in the Department of Commerce Renaissance Zone Conference to review the list of projects in the state which have been undertaken under the renaissance zone program, evaluate whether the projects have positively impacted the renaissance zone communities, consider options for smaller communities to become involved in the renaissance zone program or a similar program, and make recommendations regarding how the program could be improved to further meet the needs of the state and local communities
3049	Study whether it is feasible and desirable to modify the renaissance zone law to allow for scattered site development
1018 § 20	(Required Study) Study the state's system for addressing workforce needs through a workforce system initiative that includes receipt of agency reports regarding implementation of workforce legislation enacted during the 2007 legislative session, active participation in focus groups across the state, and active participation in a workforce congress
2149 § 3	(Required Study) Study job development authorities across the state to determine the economic impact created by the authorities, to examine funding mechanisms used by the authorities when expending resources for economic development purposes, and to determine whether the authorities serve a viable purpose
1018 § 27	Study the state's housing needs and how unmet housing needs may affect economic development in the state
3025	Study possible methods of growing North Dakota's population and increasing the available workforce in the state
1018 § 21	Study the organization, powers, duties, and effectiveness of the Department of Commerce, including review of the legislative history leading to the creation of the department; review of the legislative and executive branch expectations in the creation of the department and whether those expectations are being met; evaluation of the effectiveness of the North Dakota Economic Development Foundation in providing a nonpartisan, private sector perspective to the department's approach to the department's duties; evaluation of the organizational structure of the department, including whether the department should include a division of science and technology; and evaluation of the strategic planning process of the department and its effectiveness
1012 § 6	(Required Study) Study highway funding and transportation infrastructure needs, including those needs resulting from energy and economic development in the state
2178 § 3	(Required Study) Study the allocation of oil and gas tax revenues to or for the benefit of political subdivisions with emphasis on determining whether allocations sufficiently address oil and gas development infrastructure impact to political subdivisions
2188 § 2	(Required Study) Study risk assessments for railroad facilities, the handling of hazardous cargo by railroads, and the ability of railroads to respond to potential accidents and emergencies, including sabotage, terrorism, and other crimes, and including an evaluation of whether whistleblower protection would provide a desirable response in employees to report dangerous conditions or violations of law relating to hazards, emergencies, and accidents
1012 § 5	Study the traffic fines imposed by state and local governments
1359 § 2	Study federal motor carrier safety regulations and exemptions for interstate and intrastate transportation in relation to this state's law and exemptions, including a review of any industry-specific applications of regulations and possible exemptions to current transportation activities within this state

Bill or Resolution No.	Subject Matter
2032 § 13	(Required Study during the 2007-08, 2009-10, and 2011-12 interims) Study the feasibility and desirability of property tax reform and providing property tax relief to taxpayers of the state, with the goal of reduction of each taxpayer's annual property tax bill to an amount that is not more than one and one-half percent of the true and full value of property, and including examination of the proper measure of education funding from local taxation and state resources and the variability of funding resources among taxing districts and examination of improved collection and reporting of property tax information to identify residency of property owners with minimized administrative difficulty
4031	Study political subdivisions that receive property tax revenue and any changes that may increase efficiencies and reduce property taxes
4013	Study the property tax exemption for public housing authorities
4021	Study the income tax laws, with emphasis on adjustments necessary to minimize or negate the impact to any taxpayer of establishing a single, uniform income tax return for all individuals
3057	Study the corporate and individual income tax laws to determine the feasibility and desirability of providing income tax benefits for employers to encourage expansion of employment opportunities in the state
2109 § 3	(Required Study) Study the state's long-term care system including capacity, geographical boundaries for determining capacity, the need for home and community-based services, a methodology to identify areas of the state which are in need of additional skilled nursing facility beds, access, workforce, reimbursement, and payment incentives
2012 § 8	Study the feasibility and desirability of continuing the equalization of nursing home payment rates and the feasibility and desirability of establishing a provider tax or assessment on nursing homes, including input from representatives of the Department of Human Services, other appropriate state agencies, and the nursing home industry
3022	Study the availability and future need for dementia-related services, as well as funding for programs for individuals with dementias
4005	Study the feasibility and desirability of establishing a transition to independence program for young adults with mental illness
2139 § 1	(Required Study) Study the provisions of the North Dakota Century Code which relate to agriculture for the purpose of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order
3034	Study the feasibility and desirability of addressing the current imbalance in the funding and governance of the State Potato Council and of eliminating refunds from the potato assessment law
3061	Study the financial and environmental impact of confined animal feeding operations on individual property owners and local communities and develop clear, concise, and consistent laws governing the siting and regulation of confined animal feeding operations
2016 § 8	Study the Department of Emergency Services, including the Division of Homeland Security and the Division of State Radio, including a review of the allocation of federal homeland security funding, the operation of State Radio, and potential changes to the 911 fee structure to continue salary equity funding provided in the 2007-09 biennium
3063	Study the delivery and funding of veterans' services by the state and counties
2152 § 3	Study the historic and anticipated uses of funds from the community health trust fund, including a cost-benefit evaluation of past expenditures from the fund, the feasibility and desirability of establishing a strategic plan for future use of the fund, and the sustainability of the fund
1004 § 8	Study the emergency medical services system within the state, including the funding, demographics, and impact on rural areas
2013 § 14	Study the provision of services to children and adults who are deaf or hearing-impaired, including: the role of the North Dakota School for the Deaf in the provision of educational and rehabilitative services, the short-term and long-term viability of existing state facilities, and alternative approaches that might enhance the scope and breadth of service availability; the feasibility of combining the administration and delivery of services of the School for the Deaf with other area school districts, educational associations governed by joint powers agreements, special education units, and North Dakota Vision Services - School for the Blind; and examination of alternative uses for the buildings on the School for the Deaf campus beyond the scope of the school's present mission
2186 § 3	Study the temporary assistance for needy families program administered by the Department of Human Services, including review of the sustainability of current services and programs being funded by temporary assistance for needy families funds, review of the potential programs and services that could be funded by use of temporary assistance for needy families funds, and review of the need for increased assistance to recipients of temporary assistance for needy families who are attending a postsecondary institution of learning

Bill or Resolution No.	Subject Matter
2205 § 18	Study the success and effects of the laws enacted by the 55th Legislative Assembly in House Bill No. 1041 (1997) and Senate Bill No. 2052 (1997), the "swap proposal," which required counties to pay the entire cost of the local administration of Medicaid, energy assistance, basic care assistance, child care assistance, and temporary assistance for needy families in exchange for the state's assumption of the full responsibility for paying the grant costs associated with those programs, including a review of NDCC Sections 50-01.2-00.1, 50-01.2-03.1, 50-01.2-03.2, 50-01.2-06, 50-03-00.1, 50-03-08, 50-03-09, 50-03-10, 50-06-05.1(28), 50-06-20, 50-24.1-14, and 50-24.5-08 to determine if those provisions have created a more understandable and sustainable division of responsibility between the state and counties in the delivery and financing of these economic assistance programs
3041	Study the trends and correlations of property tax revenue in relation to funding human service delivery in individual counties
2012 § 9	Study infant development programs, including a review of the state's lead agency agreement, service coordination, staffing, and funding structure, including the adequacy of the funding and the equitable distribution of the funds to providers
2186 § 4	Study the state's child care resource and referral system, including consideration of the purposes and goals of the system and whether the current system is furthering these purposes and goals and consideration of the most appropriate funding source of the system
4008	Study issues affecting the delivery of child welfare services in the state, including out-of-home placement determinations; emphasis on family counseling, including in-home counseling; staffing patterns in county social services offices; supervision standards for child welfare staff; funding from private, state, and federal sources; and the viability of joint powers agreements among counties and the nature of public and private partnerships in support of effective child welfare services
4025	Study the feasibility and desirability of developing and funding a program to provide services to youth in foster care who are preparing to transition to adulthood and for youth between 18 and 21 years of age who have left foster care and need assistance
3046	Study ways in which various public and private entities can cooperate with families to promote health lifestyles for children and create awareness about the interplay of healthy lifestyle choices and educational success
3062	Study solutions to the problem of underage drinking
4028	Study the feasibility and desirability of establishing a paternity registry
1003 § 23	Study the means by which the North Dakota University System can further contribute to developing and attracting the human capital to meet North Dakota's economic and workforce needs, including ways to increase postsecondary access, improve the quality of education, contain costs and other means to maximize the usage of the University System in meeting the human capital needs of the state; including a review of policy recommendations that address the postsecondary delivery system, including the mix of institutions, educational attainment gaps, degree production gaps, recruitment and retention of students, and workforce training needs; and including a review of the impact of the state's changing demographics on the University System long-term financing plan
1003 § 24	Study higher education professional student exchange programs, including review of: the amount of annual tuition and fees paid by students for health care-related professional education programs; the amount of annual support fees paid by the state for health care-related professional education programs; the number of state-supported slots funded and demand for state-supported slots; the present repayment provisions and loan forgiveness programs to determine cost-effectiveness, equality issues, and development of program enhancements that would aid in the recruitment of professional students to return to the state to practice their chosen profession; and discontinuation of the contracts with the Western Interstate Commission on Higher Education for access to veterinary medicine programs and consideration of negotiating contracts for veterinary medicine with Kansas, Iowa, and Minnesota
1018 § 22	Study the feasibility and desirability of implementing a grant program for North Dakota students who are attending North Dakota institutions of higher education and who have excelled academically, including consideration of desirable eligibility criteria for students under such a grant program, funding options for such a grant program, and a cost-benefit analysis of such a grant program
2030 § 12	Study the delivery of services to English language learners, including federal requirements, instructional options, assistance from the private sector, and the short-term and long-term budgetary impacts on the school districts and taxpayers of the state
2030 § 14	Study federally funded afterschool programs being offered to North Dakota students, including the content of the programs, applicable regulations, targeted students, and the direct and indirect costs and benefits of the programs
4032	Study ways in which schools and school districts can train teachers, counselors, and all other school staff to better identify high-risk students and provide programs designed to reduce the incidences of high-risk behaviors that can lead to suicide attempts

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2030 § 11	Study the appropriateness and adequacy of high school curricula, with respect to preparing students for higher education and for the workplace, and examine curricular changes implemented in other states and expectations placed on students in other countries
2030 § 13	Study the reauthorization of the No Child Left Behind Act, including the effect of proposed changes on the students, teachers, and school districts of this state, the manner in which state assessments are conducted, the reporting and utilization of assessment results, and the performance of North Dakota students
3012	Study the determination of the cost of elementary and secondary education
2030 § 15	Study the feasibility and desirability of supporting teacher mentoring programs in urban and rural school districts and the most effective and efficient ways teacher mentoring programs could be implemented and delivered, including consideration of the identification and preparation of mentors and the styles, strategies, and professional development needs that would assist novice teachers in surviving, thriving, and ultimately deciding to consider teaching as a lifelong career
2030 § 16	Study the short-term and long-term involvement of regional education associations, including: the feasibility and desirability of regional education associations becoming political subdivisions; whether teachers should be employed directly by regional education associations, and whether that employment should include bargaining rights, contract renewal and nonrenewal provisions, participation in the teachers' fund for retirement, and participation in the state's uniform group insurance program; the impact that allowing regional education associations to hire teachers directly would have on the recruitment and retention of teachers currently employed by school districts and on teacher salary levels; whether teacher employment contracts, if offered by regional education associations, would have to parallel those of participating school districts with respect to common school calendars, annual or personal leave provisions, and other contractual benefits; the conduct of evaluations, if teachers are employed directly by regional education associations, including who will conduct the evaluations, their frequency, and the criteria upon which the evaluations are based; the organizational structure of regional education associations, including the qualifications of administrative or supervisory personnel; the governance structure of regional education associations; and state level oversight
4030	Study joint powers associations and school district reorganizations, annexations, and dissolutions and the statutory requirements for effectuating each outcome, including the role of county superintendents and county committees; the impact of each on students, parents, teachers, taxpayers, and communities; and the continued relevancy of the processes in light of numerous changes in the educational sector
1213 § 1	Study the current state exemptions for bankruptcy and the desirability of updating these exemptions
2284 § 2	Study the exemption provisions found in North Dakota Century Code Chapter 28-22, including determining whether the exemptions in the current form continue to serve the historical purposes of protecting debtors from creditors and providing debtors with the basic necessities of life, so that debtors will not be left destitute and public charges of the state
2217 § 2	Study abstracters, title opinions, and title insurance, including a review of the orderly and efficient transfer of real property which provides adequate assurances of title
4020	Study the regulation of and consumer protection for timeshare agreements
2008 § 9	Study the practices and laws relating to the sale of real estate by auctioneers, including a review of the sale of multiple parcels of property at a single sale
1218 § 2	Study the licensure, training, and classroom education requirements for electricians in this state; reciprocity agreements with other states and the effect of those agreements on standards in this state; and the effect of the licensure, training, classroom education requirements, and reciprocity agreements on the availability of qualified electricians in this state
1299 § 2	Study the regulation and licensing of pharmacists in this state, including an examination of: the State Board of Pharmacy, the board's size, the manner of board membership appointment, and whether the board is representative of commercial and noncommercial pharmacists; the state's demographics and the impact changing demographics in rural areas will have on the ability of small, locally owned pharmacies to remain economically viable and of rural residents to access low-cost pharmaceuticals and pharmacy and pharmacists' services; pharmacy ownership restrictions, the relevance of those restrictions in terms of marketplace competition, and the impact of those restrictions on the price and availability of pharmaceuticals and on pharmacy and pharmacists' services; and statutory interplay between the board and the North Dakota Pharmaceutical Association and whether the regulatory function of the board conflicts with the advocacy function of the association
2060 § 3	Study the laws providing criminal penalties for violation of the state's laws and administrative rules regulating occupations and professions, including consideration of whether it is the desired public policy of this state to have laws that create criminal penalties applicable to entire chapters of the North Dakota Century Code and entire titles of the North Dakota Administrative Code regulating occupations and professions

Bill or Resolution No.	Subject Matter
1479 § 1	Study the appropriateness of each agency exemption from the Administrative Agencies Practice Act, including discussion and analysis of each exemption and a presentation by each agency entitled to an exemption
1321 § 4 3059	Study the extraterritorial zoning authority of cities and the impact of that authority on other political subdivisions Study the exercise of extraterritorial zoning authority by cities
2009 § 15	Study the transfer of predator control from the Agriculture Commissioner to the Game and Fish Department, including a review of the South Dakota predator control program
1146 § 2	Study issues related to the severance of hunting access from the surface estate
2161 § 2	(If federal or other funds have not been awarded to the Attorney General by September 1, 2007) Study the feasibility and desirability of implementing a system of computerized registration sites for certain criminal offenders
1219 § 2	Study the feasibility and desirability of establishing a statewide automated victim information and notification system to provide information and notify registered victims regarding the status of an offender
3048	Study crime victims compensation funding, including a review of other states' efforts, and receive input from victim advocacy groups and medical providers
3013	Study statutes and institutional resources relating to the domestic violence protection order process, including criminal cases for alleged violation of protection orders
3008	Study the issues of fairness, equity, and the best interests of children as they relate to issues of child custody and visitation
3056	Study the search for and identification of missing persons
3002	Study the judicial election and judicial selection process in North Dakota
4004	Study the respective responsibilities of county and state judicial system personnel under the Juvenile Court Act in light of statutory ambiguities in defining those responsibilities
1387 § 1	Study the leasing or renting of facilities for the use by district courts from counties or other political subdivisions, including the feasibility and desirability of counties retaining a portion of the fees collected by the counties in lieu of leasing or renting by the state
4011	Study the formation of a North Dakota gaming commission to regulate and control all forms of gaming in North Dakota
1015 § 16	Study retirement program criteria and benefits for correctional officers and peace officers employed by state agencies, including the feasibility and desirability of allowing these employees to retire with full retirement benefits at age fifty-five or the "Rule of 85"
3026	Study the feasibility and desirability of establishing legislation for the enforcement and assessment of civil penalties for violation of the one-call excavation notice system
1018 § 28	Study issues relating to wireless service providers in the state and how wireless service impacts the business climate in the state
2169 § 11	Study the feasibility and desirability of collecting emergency 911 fees on the sale of prepaid wireless services, including an evaluation of methods by which E911 fees may be collected from end users and purchasers of prepaid wireless services on an equitable, efficient, competitively neutral, and nondiscriminatory basis and a review of whether the collection of fees on prepaid wireless services would constitute an efficient use of public funds, given the technological and practical considerations of collecting the fees
3044	Study how the state might pursue additional uses of Lake Sakakawea and Missouri River waters for such beneficial purposes as domestic and industrial uses, recreation, fish and wildlife, and irrigation, and how the state, to enhance its use of the lake and river, might promote congressional review of the 1944 Flood Control Act and a reexamination by the Corps of Engineers of the way in which it manages the Missouri River system