

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

### LEGISLATIVE MANAGEMENT

Tuesday and Wednesday, November 13-14, 2012

House Chamber, State Capitol

Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Representatives Al Carlson, Chuck Damschen, David Drovdal, Jerry Kelsh, Shirley Meyer, Kenton Onstad, Dan Ruby, Don Vigasaa, Robin Weisz; Senators Robert Erbele, Joan Heckaman, David Hogue, Ray Holmberg, Gary A. Lee, Larry Robinson, Ryan M. Taylor, Rich Wardner

#### OPENING REMARKS

Chairman Carlson welcomed legislators and others to the meeting. Newly elected members of the Legislative Assembly were acknowledged, and members of the Legislative Assembly who will not be returning to serve as members of the 63<sup>rd</sup> Legislative Assembly were recognized and thanked for their past service to the citizens of North Dakota.

Chairman Carlson thanked the committee chairmen for their service during the 2011-12 interim. He said committee chairmen will present reports of their committees. He thanked the Legislative Council staff members who assisted the committees and said the staff are available to answer questions. He said members of the Legislative Management are the only legislators allowed to make motions or vote on the reports; however, any legislator or legislator-elect in attendance may ask questions concerning the reports. He informed committee members that motions regarding final reports may be to accept, amend, or reject either portions of the report or the report in its entirety.

Chairman Carlson called on Mr. Jim W. Smith, Director, Legislative Council, who welcomed all returning and newly elected legislators. The Director said there are 24 newly elected legislators compared to 26 new legislators in 2011 and 15 new legislators in 2009. The Director said 23 reports will be presented from 21 interim Legislative Management committees, the Advisory Commission on Intergovernmental Relations, and the Commission on Alternatives to Incarceration. The Director said the committees are recommending a total of 59 measures (56 bills and 3 resolutions), compared to 80 measures recommended to the 62<sup>nd</sup> Legislative Assembly.

#### BUDGET SECTION

Representative Chet Pollert, Vice Chairman, Budget Section, presented the Budget Section report. Representative Pollert identified the duties and

responsibilities of the Budget Section and said the Budget Section addressed 46 items and will address additional duties at its December 2012 meeting.

Representative Pollert said the Budget Section received reports from the Office of Management and Budget (OMB) on the status of the general fund, tobacco settlement proceeds, irregularities in the fiscal practices of the state, employee bonuses, implementation of state employee compensation system initiatives, the capital improvements preliminary planning revolving fund, federal grant applications, the risk management workers' compensation program, and 2013-15 biennium budget form changes. He said the Budget Section approved OMB's request to eliminate the telecommute analysis form and the printing of detailed budget reports for the 2013-15 biennium.

Representative Pollert said the Budget Section received reports from the North Dakota University System regarding sources of local funds received for construction projects of entities under the State Board of Higher Education. He said the Budget Section authorized the expenditure of additional other funds for capital projects, as well as changes in the scope of capital projects at Bismarck State College, Lake Region State College, Mayville State University, Minot State University, North Dakota State University, North Dakota State College of Science, University of North Dakota, and Williston State College.

Representative Pollert said the Budget Section received reports from the Adjutant General regarding 2009 and 2011 flood disaster-related expenditures, 2011 emergency snow removal grants, and expenditures from the state disaster relief fund.

Representative Pollert said the Budget Section received reports from OMB and the University System regarding the status of higher education capital projects, including the joint information technology facility at the University of North Dakota and Minard Hall at North Dakota State University.

Representative Pollert said the Budget Section received numerous other reports from state agencies, including:

- Department of Human Services on the status of the Medicaid management information system project and Medicaid provider payments.
- State Treasurer on outstanding warrants and checks.

- Tobacco Prevention and Control Committee on the implementation of the comprehensive tobacco prevention and control plan.
- State Department of Health and the Industrial Commission regarding litigation and other administrative proceedings involving the Environmental Protection Agency.
- Department of Corrections and Rehabilitation regarding the status of the prison expansion project.
- Insurance Department regarding the federal Patient Protection and Affordable Act.
- Upper Great Plains Transportation Institute regarding the transportation infrastructure needs study.
- Job Service North Dakota on the status of the job insurance trust fund.
- Legacy and Budget Stabilization Fund Advisory Board regarding the development of investment policies for the legacy fund and budget stabilization fund.

Representative Pollert informed the Legislative Management that the Budget Section approved the following requests:

- Requests from the State Water Commission to spend additional funds from the resources trust fund.
- A land acquisition request from the Game and Fish Department.
- A request from the Department of Trust Lands for approval of state agencies relinquishing their rights to recover unclaimed property.
- Twenty-eight agency requests for increased spending authority, transfers of spending authority, or increased full-time equivalent positions which had prior approval by the Emergency Commission.

**It was moved by Senator Holmberg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Budget Section.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### HEALTH SERVICES COMMITTEE

Representative Weisz, member, Health Services Committee, presented the committee report. He said the committee studied the regional public health network pilot project conducted during the 2009-11 biennium, including services provided, effects of the project on participating local public health units, efficiencies achieved in providing services, cost-savings to state and local governments, and possible improvements to the program; the feasibility and desirability of placing the entire Fort Berthold Reservation in a single public health unit; the future of health care delivery in the state with a focus on the delivery of health care in rural areas of the state; and

the ability of the University of North Dakota School of Medicine and Health Sciences to meet the health care needs of the state, including a review of the health care needs of the state, options to address the health care needs of the state, and the feasibility and desirability of expanding the School of Medicine to meet the health care needs of the state. He said the committee received a recommendation from the Insurance Commissioner of an entity to provide cost-benefit analyses on legislative measures mandating health insurance coverage of services or payment for specified providers of services or amendments that mandate such coverage or payment.

Representative Weisz said the committee also received reports from the Health Council regarding a review of the current health care bed recommendations to determine if changes should be made to better serve the population of North Dakota; from the Health Care Data Committee of the Health Council regarding the mission of the Health Care Data Committee; from the State Health Officer regarding the potential for community paramedics to provide additional cost-effective clinical and public health services, particularly in rural areas of the state; and other information, including information regarding smoking rates and related trends in tobacco prevention and control spending, cigarette tax rates, and smoke-free environment laws.

**It was moved by Representative Weisz, seconded by Representative Drovdal, and carried on a roll call vote to accept the report of the Health Services Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### INFORMATION TECHNOLOGY COMMITTEE

Representative Weisz, Chairman, Information Technology Committee, presented the committee report. He said the committee received reports from the Chief Information Officer and representatives of the Information Technology Department regarding the department's business plan; the department's annual report; statewide information technology policies, standards, and guidelines; major information technology projects; the prioritization of major computer software projects for the 2013-15 biennium; the Statewide Longitudinal Data System Initiative; and health information technology activities. He said the committee also received reports from representatives of the University System regarding higher education information technology planning, services, and major projects.

**It was moved by Representative Weisz, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Information Technology Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh,

Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **HUMAN SERVICES COMMITTEE**

Representative Alon Wieland, Chairman, Human Services Committee, presented the committee report. He said the committee studied the current system for the diagnosis, early treatment, care, and education of individuals with autism spectrum disorder; guardianship services for vulnerable adults in the state; the causes of the increases in Department of Human Services' caseloads and program utilization and the impact of federal health care reform; and the state's qualified service provider system. He said the committee also received reports on the children's health insurance program, electronic drug prior authorization request transactions, the department's dementia care service program, the department's development of a new developmental disabilities reimbursement system, and the department's comprehensive review of the substance abuse services pilot voucher payment program.

**It was moved by Senator Holmberg, seconded by Representative Damschen, and carried on a roll call vote to accept the report of the Human Services Committee.** Representatives Carlson, Damschen, Drovda, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **HIGHER EDUCATION COMMITTEE**

Representative Bob Skarphol, Chairman, Higher Education Committee, presented the committee report. He said the committee studied issues affecting higher education, including higher education funding methods, higher education governance, higher education accountability, the use of student fees, and developmental education. He said the committee received reports from the School of Medicine regarding the strategic plans, programs, and facilities of the School of Medicine; from tribally controlled community colleges receiving a grant under North Dakota Century Code Chapter 15-70 regarding the enrollment of students for which grant funding was received; from Dickinson State University regarding the internal review report of special international programs; from the Information Technology Department regarding the status of the statewide longitudinal data system; and from the State Board of Higher Education regarding North Dakota academic and career and technical education scholarships.

**It was moved by Senator Robinson, seconded by Senator Holmberg, and carried on a roll call vote to accept the report of the Higher Education Committee.** Representatives Carlson, Damschen, Drovda, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckman, Holmberg,

Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **GOVERNMENT SERVICES COMMITTEE**

Representative Jeff Delzer, Chairman, Government Services Committee, presented the committee report. He said the committee studied the use of state-owned airplanes, including a review of airplanes owned by state agencies, the justification for owning each airplane, the frequency of use of each airplane, and the feasibility and desirability of requiring state-owned airplanes to be managed by the Department of Transportation's State Fleet Services. He said the committee also studied the Highway Patrol training academy and reviewed options for relocating the training academy, options for relocating the emergency operations vehicle training course, and options for constructing a Highway Patrol shooting range.

Representative Delzer said the committee monitored the status of the general fund and other major funds and received the revised 2011-13 biennium and preliminary 2013-15 biennium general fund revenue forecasts. He said the committee also received information regarding 2013-15 biennium cost-to-continue items, major agency budget items for the 2013-15 biennium, and major executive budget initiatives to be considered during the 2013 legislative session.

**It was moved by Senator Robinson, seconded by Senator Heckaman, and carried on a roll call vote to accept the report of the Government Services Committee.** Representatives Carlson, Damschen, Drovda, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckman, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **LEGISLATIVE AUDIT AND FISCAL REVIEW COMMITTEE**

Representative Ruby, Chairman, Legislative Audit and Fiscal Review Committee, presented the committee report. He said the committee studied and reviewed the state's financial transactions to ensure collection of state revenues and expenditures of state money were in compliance with law, legislative intent, and sound financial practices. He said the committee studied the structure and requirements of the State Auditor's office necessary to conduct audits of political subdivisions. He said the committee reviewed 177 audit reports during the 2011-12 interim, including 7 performance audit and evaluation reports, 112 financial or information technology application audit reports, and 58 audit reports that were filed with and accepted by the committee but were not formally presented.

**It was moved by Representative Ruby, seconded by Senator Heckaman, and carried on a roll call vote to accept the report of the Legislative Audit and Fiscal Review Committee.**

Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **TAXATION COMMITTEE**

Senator Hogue, Chairman, Taxation Committee, presented the committee report. He described the committee studies of income tax credits, property tax reform and relief, special assessments, corporate income taxes, sales tax exemptions, cigarette tax stamping, and oil extraction taxes.

**It was moved by Senator Hogue, seconded by Senator Holmberg, and carried on a roll call vote to accept the report of the Taxation Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, and Vigasaa and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **ADMINISTRATIVE RULES COMMITTEE**

Senator John Andrist, Vice Chairman, Administrative Rules Committee, presented the committee report. He read a letter from Representative Kim Koppelman, Chairman, Administrative Rules Committee, relating to the committee report. Senator Andrist described the committee interim activity regarding review of rules adopted by administrative agencies. He said the committee studied board and commission member compensation and will continue consideration of the issue.

**It was moved by Senator Holmberg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Administrative Rules Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **COMMISSION ON ALTERNATIVES TO INCARCERATION**

Senator Stanley W. Lyson, Chairman, Commission on Alternatives to Incarceration, presented the commission report. He said the commission studied sentencing alternatives; mandatory sentences; treatment options; the expanded use of problem-solving courts; home monitoring; and other related issues. He said the commission reviewed a number of programs providing alternatives to incarceration. In addition, he said, the commission studied the imposition of fees by courts at sentencing and other fees that are imposed upon offenders. He said the commission also discussed issues related to driving under suspension offenses and the monetary threshold for determining whether a theft offense is a misdemeanor or a felony.

**It was moved by Senator Holmberg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Commission on Alternatives to Incarceration.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS**

Representative Lawrence R. Klemin, Chairman, Advisory Commission on Intergovernmental Relations, presented the commission report. He said the commission is authorized by statute to determine its study directives and to serve as a forum for the discussion of resolution of intergovernmental problems. In addition, he said, the commission undertook a study of motor vehicle permit fees, including overweight and overwidth permit fees charged by cities and counties. Pursuant to its authority to determine study topics, he said, the commission studied disaster response and recovery and liability related to disaster response, regulation of crew camps and group housing, and fire service training.

**It was moved by Representative Kelsh, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Advisory Commission on Intergovernmental Relations.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **HEALTH CARE REFORM REVIEW COMMITTEE**

Representative George J. Keiser, Chairman, Health Care Reform Review Committee, presented the committee report. He said in addition to the legislative measures directing the committee to study the requirements of the federal Affordable Care Act, the committee's study charge was expanded by Legislative Management directive, directing the committee to study the feasibility and desirability of developing a state plan that provides North Dakota citizens with access to and coverage for health care which is affordable for all North Dakota citizens. In addition, he said, the committee was directed to receive updates from the Insurance Commissioner and the Department of Human Services regarding the status of implementation of the Affordable Care Act.

Representative Keiser provided an overview of the Affordable Care Act and summarized the committee's activities leading up to the November 2011 special session, the legislation the committee recommended for the special session, the committee's activities

following the special session, and the one bill the committee recommends for the 2013 regular session.

**It was moved by Senator Holmberg, seconded by Representative Vigesaa, and carried on a roll call vote to accept the report of the Health Care Reform Review Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

## GENERAL FUND BUDGET OUTLOOK

Chairman Carlson called on Mr. Allen H. Knudson, Legislative Budget Analyst and Auditor, to present a preliminary outlook for the 2013-15 biennium general fund budget. He reviewed the [Preliminary 2013-15 General Fund Budget Outlook - Summary](#) and the [Preliminary Budget Outlook - 2013-15 Biennium](#). He said the outlook reports identify anticipated ongoing and one-time revenues and resources for the 2013-15 biennium and preliminary estimates for ongoing spending, cost-to-continue items, potential spending increases, and possible one-time expenditures. The reports also identify Governor's revenue and spending proposals released to date.

## WORKERS' COMPENSATION REVIEW COMMITTEE

Representative Gary R. Sukut, Chairman, Workers' Compensation Review Committee, presented the committee report. He reviewed the committee's study charge of reviewing claims of injured workers to determine whether changes should be made to the state's workers' compensation laws. He reviewed the three reports the committee received--a biennial report from Workforce Safety and Insurance regarding compiled data relating to safety grants, an annual report from Workforce Safety and Insurance which includes reports on pilot programs to assess alternative methods of providing rehabilitation services, and a report from Workforce Safety and Insurance on recommendations based on the safety audit of the Roughrider Industries work programs and the performance review of the modified workers' compensation coverage program. Additionally, he reviewed the substance and background of each of the four bills the committee recommended.

**It was moved by Representative Drovdal, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Workers' Compensation Review Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

## EDUCATION FUNDING AND TAXATION COMMITTEE

Representative RaeAnn Kelsch, Chairman, Education Funding and Taxation Committee, presented the committee report. She said the committee studied concussion management with respect to youth athletics, including the nature, scope, and applicability of programs designed to prevent or eliminate concussions. She said the committee also explored various ways in which the appropriation for the current mill levy reduction grant program could be incorporated into the state's education funding formula.

Representative Kelsch said the committee received statutory reports regarding the financial condition of schools, school district employee compensation, student scores on recent statewide tests of reading and mathematics, requests for and waivers of accreditation rules, requests for and waivers of statutory requirements governing instructional time for high school courses, Indian education issues and the development of criteria for grants to low-performing schools, the state's participation in the Compact on Educational Opportunity for Military Children, the failure of any school board to meet the statutory threshold for increasing teacher compensation, the status of the statewide longitudinal data system plan, and the provision of services to students in grades 6 through 8 who are enrolled in an alternative education program.

**It was moved by Representative Kelsh, seconded by Senator Heckaman, and carried on a roll call vote to accept the report of the Education Funding and Taxation Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

## AGRICULTURE COMMITTEE

Senator Erbele, Chairman, Agriculture Committee presented the committee report. He said the committee continued its study of North Dakota Century Code provisions that 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. He said this interim, the committee focused on rewriting the laws that pertain to the State Seed Department, seed potato certification, and seed potato control areas, as well as those that pertain to the North Dakota Stockmen's Association, livestock branding, estrays, livestock dealers, and wool dealers.

Senator Erbele said the committee received a statutory report from the State Board of Agricultural Research and Education regarding its annual evaluation of research activities and expenditures.

He said because the Advisory Commission on Sustainable Agriculture did not meet during the interim, no report is forthcoming from that entity.

In response to a question from Representative Carlson, Senator Erbele said it is recommended that the rewrite process be continued during the 2013-14 interim.

**It was moved by Senator Erbele, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Agriculture Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **TRIBAL AND STATE RELATIONS COMMITTEE**

Senator David O'Connell, Chairman, Tribal and State Relations Committee, presented the committee report. He said the committee held joint meetings with the North Dakota Tribal Governments' Task Force to study tribal-state issues, including government-to-government relations, corrections issues, taxation, Indian education issues, the Commission to Study Racial and Ethnic Bias in the Courts, the Heritage Center expansion, Indian human services issues, child support enforcement, transportation, Indian veterans, tourism, the Native American Commission, economic development, and environmental issues. He said the committee also received a report from the Governor concerning the oil and gas tax and regulatory agreements with the Three Affiliated Tribes of the Fort Berthold Reservation.

**It was moved by Senator Holmberg, seconded by Senator Hogue, and carried on a roll call vote to accept the report of the Tribal and State Relations Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

The committee recessed at 4:45 p.m. and reconvened at 9:00 a.m. on Wednesday, November 14, 2012.

### **LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE**

Representative Carlson, Chairman, Legislative Procedure and Arrangements Committee, presented the committee report. He said the committee was responsible for making arrangements for the 2013 legislative session. He said the committee administered the legislative space renovation appropriation. He said the committee approved various committee room renovations, including new committee room tables, committee room presentation equipment, chamber video and voting systems, and video and audio recording systems. He said chamber

video and voting systems have been replaced in the Harvest and Roughrider Rooms. He said the committee is recommending legislative rules amendments to add a recording clerk position to the front desk force, eliminate the requirement to announce "and the title is agreed to" upon passage of a measure, provide for measures to be transmitted to the other house upon adjournment of the last session of the day, clarify placement of amended measures on the calendar for second reading and final passage, eliminate most copies of fiscal notes, and require recording of floor sessions and make those recordings available through the legislative branch website.

**It was moved by Representative Carlson, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Legislative Procedure and Arrangements Committee.** Representatives Carlson, Damschen, Drovdal, Meyer, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### **JUDICIARY COMMITTEE**

Representative Stacey Dahl, Vice Chairman, Judiciary Committee, presented the committee report. She said the committee studied the issue of juvenile court jurisdiction and the adult court transfer process and whether any additional juvenile court jurisdictional extensions would serve the best interests of the child and the public in cases in which the child is close to the age of majority. She said the committee studied statutes of limitation and venue requirements for civil actions in North Dakota. She said the committee studied the feasibility and desirability of adopting the Uniform Electronic Recording of Custodial Interrogations Act and the Revised Uniform Limited Liability Company Act. She said the committee also studied the eligibility requirements for the veterans', charitable, educational, religious, fraternal, civic and service, public safety, and public-spirited organizations that conduct charitable gaming. She said by Legislative Management Chairman directive, the committee reviewed information regarding the potential implications on the state of a recent opinion of the United States Department of Justice on Internet gambling which indicated interstate transmissions of wire communications that do not relate to a sporting event or contest fall outside the reach of the federal Wire Act of 1961 and reviewed the recent announcement of the United States Department of Justice regarding a revised definition of rape within the Federal Bureau of Investigation's Uniform Crime Reporting program and determine whether state statutory changes are necessary in light of this revised definition.

She said the committee reviewed the uniform Acts recommended by the North Dakota Commission on Uniform State Laws and undertook statutory revision responsibilities. She said the committee received reports from the Attorney General on the current

status and trends of unlawful drug use and abuse and drug control and enforcement efforts in this state and a report from the Department of Human Services regarding the State Hospital's program for the evaluation and treatment of sexually dangerous individuals. She said the committee also received reports from the Director of the Commission on Legal Counsel for Indigents regarding the indigent defense contract system and established public defender offices, from the Racing Commission regarding the operation of the commission, and from the Director of the North Dakota Lottery regarding the operation of the lottery.

**It was moved by Senator Holmberg, seconded by Representative Drovdal, and carried on a roll call vote to accept the report of the Judiciary Committee.** Representatives Carlson, Damschen, Drovdal, Meyer, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### TRANSPORTATION COMMITTEE

Senator Lee, Chairman, Transportation Committee, presented the committee report. He said the committee studied the regulations of drivers and of motor vehicles in the North Dakota Century Code for consistency, clarity, and substance. He said the committee studied the needs of, economic values of, and methods to improve access roadways to recreational, tourist, and historical sites in North Dakota. He said the committee received a report from the Emergency Services Communications Coordinating Committee on the use of assessed communications service fee revenue and received recommendations regarding changes to the operating standards for emergency services communications, including training or certifications standards for dispatchers.

**It was moved by Senator Lee, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Transportation Committee.** Representatives Carlson, Damschen, Drovdal, Meyer, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### NATURAL RESOURCES COMMITTEE

Representative Chuck Damschen, Chairman, Natural Resources Committee, presented the committee report. He said the committee studied primacy in the administration of Environmental Protection Agency regulations. He said the committee studied potash mining and taxation issues. He said the committee studied mechanisms for improving coordination and consultation regarding federal designation over land or water resources in North Dakota. He said the committee received a report from the Game and Fish Department regarding the findings

of the department's study of goose hunting in this state which tracked the number of resident and nonresident goose hunters and the number of geese taken by county.

**It was moved by Representative Damschen, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Natural Resources Committee.** Representatives Carlson, Damschen, Drovdal, Meyer, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Robinson, Taylor, and Wardner voted "aye." No negative votes were cast.

### ENERGY DEVELOPMENT AND TRANSMISSION COMMITTEE

Senator Wardner, Chairman, Energy Development and Transmission Committee, presented the committee report. He said the committee studied the impact of a comprehensive energy policy for the state and the development of each facet of the energy industry. He said the committee studied eminent domain and pipeline siting. He said the committee received reports from the North Dakota Transmission Authority, the North Dakota Pipeline Authority, the Department of Commerce's Energy Policy Commission, and Basin Electric Power Cooperative on its carbon dioxide capture project.

**It was moved by Senator Wardner, seconded by Senator Holmberg, and carried on a roll call vote to accept the report of the Energy Development and Transmission Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Taylor, and Wardner voted "aye." No negative votes were cast.

### EMPLOYEE BENEFITS PROGRAMS COMMITTEE

Senator Dick Dever, Chairman, Employee Benefits Programs Committee, presented the committee report. He said the committee has jurisdiction over legislative measures affecting retirement, health insurance, and retiree health insurance programs of public employees. He said the committee solicited and reviewed various proposals affecting these programs and obtained actuarial and fiscal information on each of these proposals and reported this information to each proponent. He said the committee received the actuarial reports for the Public Employees Retirement System and Teachers' Fund for Retirement. He said the committee received periodic reports from Human Resource Management Services on implementation, progress, and bonuses provided by state agency programs to provide bonuses to recruit or retain employees in hard-to-fill positions. He said the committee received a report from Human Resource Management Services on state employee service awards; employer-paid cost of training costs or educational courses, including tuition

and fees; and employer-paid professional organization and membership and service club dues for individuals. He said the committee also received periodic reports from OMB officials on the status and implementation and administration of the compensation philosophy statement and compensation system initiatives included in 2011 House Bill No. 1031.

Senator Dever said the Legislative Assembly must monitor the state's pension plans in light of the federal response to the financial crisis.

Representative Carlson recognized Senator Taylor. Senator Taylor said he objected to Senator Dever's comments concerning the financial crisis and the federal response to it and as a result would be voting to not accept the report of the committee.

Representative Carlson recognized Representative Kelsh. Representative Kelsh said Senator Dever's comments concerning the financial crisis and the economic policies advanced as a result of it at the federal level were inappropriate and he also would oppose any motion to accept the committee's report.

**It was moved by Senator Holmberg, seconded by Senator Hogue, and carried on a roll call vote to accept the report of the Employee Benefits Programs Committee.** Representatives Carlson, Damschen, Drovdal, Ruby, Vigesaa, and Weisz and Senators Erbele, Hogue, Holmberg, Lee, and Wardner voted "aye." Representatives Kelsh and Meyer and Senators Heckaman and Taylor voted "nay."

## **WATER-RELATED TOPICS OVERVIEW COMMITTEE**

Representative Curt Hofstad, Chairman, Water-Related Topics Overview Committee, presented the committee report. He said the committee is responsible for legislative overview of water-related topics and related matters and for any necessary discussions with adjacent states on water-related topics. He said the committee reviewed the 2011 Mouse River flood, 2011 Missouri River flood, Devils Lake flood of 2011, Fargo flood risk reduction, 2011 flood damage assessments, North Dakota water organization structure and prioritization and funding of state water projects, the Red River Valley Water Supply Project, the Red River Basin Commission, the North Dakota Water Coalition, the Western Area Water Supply Authority, and the Southwest Water Authority. He said the committee also reviewed the state's irrigation laws and rules.

**It was moved by Senator Taylor, seconded by Senator Hogue, and carried on a roll call vote to accept the report of the Water-Related Topics Overview Committee.** Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Holmberg, Lee, Taylor, and Wardner voted "aye." No negative votes were cast.

No further business appearing, Chairman Carlson adjourned the meeting at 11:17 a.m.

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Jim W. Smith  
Director