

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

## LEGISLATIVE MANAGEMENT

Tuesday and Wednesday, November 16-17, 2010  
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, Chris Griffin, Gary Kreidt, Shirley Meyer, David Monson, Bob Skarphol, Robin Weisz, Lisa Wolf; Senators Robert S. Erbele, Tony S. Grindberg, Ray Holmberg, David O'Connell, Tracy Potter, Larry J. Robinson, Bob Stenehjem, Rich Wardner

**Member absent:** Representative Merle Boucher

### 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 62<sup>nd</sup> Legislative Assembly were recognized and thanked for their past services to the citizens of North Dakota.

Chairman Carlson thanked the committee chairmen for their service during the 2009-10 interim. He said committee chairmen will present reports of their committees, and Legislative Council staff members will assist the chairmen in answering 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 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 26 newly elected legislators, of which 4 previously served. He said this compares to 15 new legislators in 2009 and 23 new legislators in 2007. The director said 25 reports will be presented from 23 interim Legislative Management committees, the Advisory Commission on Intergovernmental Relations, and the Commission on Alternatives to Incarceration. He said the committees are recommending a total of 80 measures (72 bills and 8 resolutions), compared to 88 measures recommended to the 61<sup>st</sup> Legislative Assembly.

### BUDGET SECTION

Senator Ray Holmberg, Chairman, Budget Section, presented the Budget Section report. He said the

Budget Section meets quarterly and membership consists of 45 members--the Senate and House Appropriations Committees, the majority and minority leaders and their assistants, and the Speaker of the House. He 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 2010 meeting.

Senator Holmberg said the Budget Section received reports from the Office of Management and Budget on the status of the general fund and the permanent oil tax trust fund, tobacco settlement proceeds, irregularities in the fiscal practices of the state, employee bonuses, the capital improvements preliminary planning revolving fund, the risk management workers' compensation program, and 2011-13 biennium budget form changes. He said the Budget Section did not recommend any changes to the budget data for the 2011 legislative session.

Senator Holmberg said the Budget Section received a report 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 Dakota College at Bottineau, Dickinson State University, Mayville State University, Minot State University, North Dakota State University, State College of Science, University of North Dakota, Valley City State University, and Williston State College.

Senator Holmberg said the Budget Section received annual reports and approved a request to use contingent funds of \$2,263,883 for a statewide longitudinal data system from the Information Technology Department. The Budget Section also received periodic reports from the Information Technology Department regarding the status of health information technology activities.

Senator Holmberg said the Budget Section received reports from the Adjutant General regarding the reintegration program, emergency disaster relief grants, 2009 flood disaster-related expenditures, 2009 emergency snow removal grants, and expenditures from the state disaster relief fund.

Senator Holmberg said the Budget Section received reports from the Department of Human Services on the status of the Medicaid management information system (MMIS) project on the status of

Medicaid provider payments and approved a request to spend MMIS project contingency funds of \$2,172,584.

Senator Holmberg said the Budget Section received reports from the Land Department on state agencies that have not submitted a claim for unclaimed property. He informed the Legislative Management that the Budget Section approved a list of 10 agencies relinquishing their rights to recover the unclaimed property.

Senator Holmberg said the Budget Section received reports from the Department of Commerce on the annual audits of renaissance fund organizations and centers of excellence. He said the Budget Section also received reports from the Department of Commerce on the centers of excellence fund, centers of excellence enhancement grants, grants and loans to early childhood facilities, the technology-based entrepreneurship grant program, and information on tax-exempt property by school district.

Senator Holmberg said the Budget Section received numerous other reports from state agencies, including:

- The State Treasurer on weather-related cost-sharing funds.
- The State Board of Agricultural Research and Education on the status of the board.
- The Tobacco Prevention and Control Committee on the implementation of the comprehensive tobacco prevention and control plan.
- The Highway Patrol on the status of implementation of the commercial vehicle information systems and networks.
- The Department of Transportation regarding the anticipated use of state, federal, emergency, and other highway funding.
- The Industrial Commission regarding the status of the Mill and Elevator study.
- The Public Service Commission on the status of the metrology laboratory.
- Job Service North Dakota on the status of the job insurance trust fund.
- The Veterans' Home on the status of the Veterans' Home construction project and exterior finishing construction projects.

Senator Holmberg informed the Legislative Management that the Budget Section approved the following requests:

- Two requests for centers of excellence funding awards submitted by the Centers of Excellence Commission.
- A request from the Agriculture Department to lease additional office space.
- Four land acquisition requests of the Game and Fish Department.
- A request from the Land Department for approval to add one full-time equivalent (FTE) position relating to minerals management.

- Thirty-nine agency requests for increased spending authority, transfers of spending authority, or increased FTE positions which had prior approval by the Emergency Commission.

Senator Holmberg informed the Legislative Management that the Budget Section recommends a concurrent resolution to authorize the Budget Section to hold any legislative hearings required for the receipt of federal block grant funds.

**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, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, Stenehjerm, and Wardner voted "aye." No negative votes were cast.

## LONG-TERM CARE COMMITTEE

Representative Gary Kreidt, Chairman, Long-Term Care Committee, presented the committee report. He said the committee studied long-term care services, including a review of the long-term care payment systems, survey and inspection programs and processes, and state laws and administrative rules regulating basic care and assisted living facilities. He said the committee studied the impact of individuals with a traumatic brain injury and the registration of health care professionals. He said the committee also received reports from the Department of Human Services regarding the outcomes of the dementia care services program and the outcomes and recommendations from the study of the ratesetting structure for developmental disabilities service providers.

**It was moved by Representative Kreidt, seconded by Senator Wardner, and carried on a roll call vote to accept the report of the Information Technology Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

## INFORMATION TECHNOLOGY COMMITTEE

Senator Larry J. Robinson, 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 prioritization of major computer software projects for the 2011-13 biennium; the department's business plan; the department's annual report; statewide information technology policies, standards, and guidelines; major information technology projects; health information technology activities; and the department's level of outsourcing information technology services. 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 Senator Robinson, seconded by Representative Skarphol, and carried on a roll call vote to accept the report of the Information Technology Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

### **TAXATION COMMITTEE**

Senator Dwight Cook, Chairman, Taxation Committee, presented the committee report. He described the committee studies of mineral resource impact and taxation, property tax reform and relief, the homestead credit, and 911 fees and funding. He said the committee recommends bills to establish an extraction tax for potash and potash byproducts, revise allocation of federal flood control lease revenues, provide property tax relief of \$341 million, prohibit property from being located in both a renaissance zone and tax increment financing district, provide that property is not tax-exempt as charitable property if the owner receives a federal low-income tax credit, place restrictions on tax increment financing districts, and adjust the timing of withholding from state aid distribution allocations for counties failing to implement soil surveys in agricultural assessments.

**It was moved by Senator Holmberg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Taxation Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

### **ADMINISTRATIVE RULES COMMITTEE**

Senator Jerry Klein, Chairman, Administrative Rules Committee, presented the committee report. He said the committee reviewed all state administrative rulemaking actions from January 2009 through October 2010, covering 2,011 pages of rules. He said the committee did not void any rules submitted by administrative agencies from January 2009 through October 2010. He said the committee recommends a bill to make it optional, rather than mandatory, for an administrative agency to adopt and maintain an organizational rule.

**It was moved by Senator Robinson, seconded by Senator Holmberg, and carried on a roll call vote to accept the report of the Administrative Rules Committee.** Representatives Carlson, Kreidt, Meyer, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

### **PUBLIC SAFETY AND TRANSPORTATION COMMITTEE**

Senator David O'Connell, Chairman, Public Safety and Transportation Committee, presented the committee report. He said the committee studied options for highway construction funding, the

feasibility and desirability of transitioning to a statewide funding formula for emergency medical services, and emergency communications services and infrastructure.

Senator O'Connell said the committee also received reports from the Department of Transportation regarding the use of federal, emergency, and other highway funding and regarding transfers between the operating and capital assets line items; from the Tax Commissioner regarding information provided annually by counties, cities, and townships on funding and expenditures related to transportation; from the State Department of Health regarding funding provided for grants to emergency medical services operations; from the Emergency Services Communications Coordinating Committee regarding the use of assessed fee revenue and recommendations for changes in emergency communications operating standards; and from the Department of Emergency Services regarding emergency snow removal grants and emergency disaster relief grants distributed to political subdivisions.

**It was moved by Senator O'Connell, seconded by Representative Skarphol, and carried on a roll call vote to accept the report of the Public Safety and Transportation Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, 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 options for funding higher education institutions and the impact of tuition waivers on institutions.

Representative Skarphol said the committee also received reports from the University of North Dakota School of Medicine and Health Sciences regarding the strategic plans, programs, and facilities of the School of Medicine and Health Sciences; from the chairman of the American Indian Language Preservation Committee regarding the work of the committee; 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; and from the State Board of Higher Education regarding North Dakota academic and career and technical education scholarships, the compensation of higher education instructional personnel, the number of students enrolled in distance education classes, and the number of students enrolled in dual-credit courses.

**It was moved by Representative Skarphol, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Higher Education Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Weisz and

Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

### **HEALTH AND HUMAN SERVICES COMMITTEE**

Representative Robin Weisz, Chairman, Health and Human Services Committee, presented the committee report. He said the committee studied unmet health care needs in the state; voucher use and provider choice for clients in various human services and other state programs; the state immunization program, including an assessment of pharmacists' or other providers' ability and interest in immunizing children and a review of the effect of the program on public health units; existing services for minors who are pregnant and whether additional education and social services would enhance the potential for a healthy child and a positive outcome for the minor; and the extent to which the funding mechanisms and administrative structures of the federal, state, and county governments enhance or detract from the ability of the social service programs of tribal governments to meet the needs of tribal members. 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 Department of Human Services regarding enrollment statistics and costs associated with the children's health insurance program state plan, the status of the alternatives-to-abortion program, estimated costs to continue for the 2011-13 biennium, and Medicaid eligibles, recipients, utilization rates, and average cost per recipient for fiscal years 2008, 2009, and 2010; from the Stroke System of Care Task Force regarding the heart disease and stroke program and funding, including the implementation of House Bill No. 1339 (2009) and an update on the status of the stroke registry; from the State Health Officer and the Regional Public Health Network Task Force regarding the development of the regional public health network; and from the North Dakota Fetal Alcohol Syndrome Center regarding the use of funds granted to the center by the State Department of Health.

**It was moved by Representative Weisz, seconded by Representative Skarphol, and carried on a roll call vote to accept the report of the Health and Human Services Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, O'Connell, Potter, Robinson, and Wardner voted "aye." No negative votes were cast.

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

Senator Randel Christmann, 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 165 audit reports during the 2009-10 interim, including 3 performance audit and evaluation reports, 115 financial or information technology application audit reports, and 47 audit reports that were filed with and accepted by the committee but were not formally presented.

**It was moved by Senator Grindberg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Legislative Audit and Fiscal Review Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Potter, Robinson, and Wardner voted "aye." No negative votes were cast.

### **GOVERNMENT SERVICES COMMITTEE**

Representative Ken Svedjan, Chairman, Government Services Committee, presented the committee report. He said the committee studied the classified state employee compensation system. He said the committee's report includes a recommendation that the Legislative Management chairman contract with Hay Group at an estimated cost of \$198,000 to implement the compensation study recommendations prior to the end of the 2011 legislative session. He said the motion to accept the committee's report, if approved, will authorize the Legislative Management chairman to proceed with this contract. He said the committee studied the salaries of the state's executive branch elected officials and received survey results of other states' elected officials' salaries and reports from the Office of Management and Budget's Human Resource Management Services. He said the committee studied the utilization of all facilities on the State Capitol grounds and received a report from the Office of Management and Budget's Facility Management Division regarding the location, expenses, and square footage requirements of all facilities occupied by each state agency. He said the committee received reports from the Department of Veterans' Affairs regarding the number of county veterans' service officers accredited through the National Association of County Veterans Service Officers and the use of funds appropriated to the department for the purpose of arranging for accreditation training and from boards of county commissioners regarding the status of accreditation of

county veterans' service officers through the National Association of County Veterans Service Officers.

**It was moved by Senator Wardner, seconded by Representative Skarphol, and carried on a roll call vote to accept the report of the Government Services Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

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

Senator Tom Fischer, 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 operations of the State Water Commission and State Engineer's office; specific water projects; State Water Commission expenditures for the 2007-09 biennium from the resources trust fund and expenditures from the municipal, rural, and industrial water supply fund; the *2009 State Water Management Plan*; and the *North Dakota Sovereign Land Management Plan*. He said the committee also reviewed the Southwest Pipeline Project, Devils Lake issues, and the organization and operation of water resource districts in North Dakota. He said the committee also reviewed the Red River Basin mapping initiative.

**It was moved by Senator Grindberg, seconded by Representative Skarphol, and carried on a roll call vote to accept the report of the Water-Related Topics Overview Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

## **EMPLOYEE BENEFITS PROGRAMS COMMITTEE**

Representative Bette B. Grande, Chairman, Employee Benefits Programs Committee, presented the committee report. She said the committee has jurisdiction over legislative measures affecting retirement, health insurance, and retiree health insurance programs of public employees. She 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. She said the committee received the actuarial reports for the Public Employees Retirement System and Teachers' Fund for Retirement. She said the committee received periodic reports from Human Resource Management Services on the implementation, progress, and bonuses provided by state agency programs to provide bonuses to recruit

or retain employees in hard-to-fill positions. She said the committee received a report from Human Resource Management Services on the outcome of its study and evaluation of steps the state could take to recruit and retain state employees in state government employment as those state employees reach retirement. She said the committee also studied the feasibility and desirability of an appropriation to the Office of Management and Budget for a state employee tuition reimbursement pool program and the feasibility and desirability of an administrative leave program for use by executive branch agencies to allow employees to attend legislative hearings, grievance meetings, disciplinary hearings, labor and management meetings, negotiating sessions, or other meetings or activities jointly agreed upon by the chief administrative officer of the employing agency.

**It was moved by Representative Skarphol, seconded by Senator Holmberg, and carried on a roll call vote to accept the report of the Employee Benefits Programs Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

## **NATURAL RESOURCES COMMITTEE**

Senator Robert S. Erbele, Chairman, Natural Resources Committee, presented the committee report. He said the committee studied the cooperative agreement between the Agriculture Commissioner and the United States Department of Agriculture Wildlife Services program, weed control programs of the Army Corps of Engineers on federal land under its control, severed and abandoned mineral rights, and the leasing of state lands. He said the committee received a report from the Parks and Recreation Department on a study of improving a series of public sites along the Sibley and Sully historic trails for historical education, heritage tourism, and access for public hunting.

**It was moved by Senator Robinson, seconded by Senator Wardner, and carried on a roll call vote to accept the report of the Natural Resources Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Wolf and Senators Erbele, Grindberg, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

## **TRIBAL AND STATE RELATIONS COMMITTEE**

Senator Tim Mathern, Vice Chairman, Tribal and State Relations Committee, presented the committee report. He said the committee held joint meetings with the Native American Tribal Citizens' Task Force to study tribal-state issues, including government-to-government relations, hate crimes, taxation, transportation, elementary and secondary education, higher education, human services, child support

enforcement, licensing of tribal addiction counselors, the Commission to Study Racial and Ethnic Bias in the Courts, economic development initiatives, Indian employment, and the Heritage Center expansion. 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 O'Connell, and carried on a roll call vote to accept the report of the Tribal and State Relations Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Wolf and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

### **INDUSTRY, BUSINESS, AND LABOR COMMITTEE**

Representative George J. Keiser, Chairman, Industry, Business, and Labor Committee, presented the committee report. He said the committee studied the factors impacting the cost of health insurance and health insurance company reserves. He said the study was expanded by directive of the chairman of the Legislative Management to include the monitoring of federal health care reform legislation, including its effect on North Dakota citizens and state government; the related costs and state funding requirements; related tax or fee increases; and the impact on the Medicaid program and costs, other state programs, and health insurance premiums, including the Public Employees Retirement System. He said the committee also studied the state's whistleblower protection laws. In addition, he said, the committee received reports regarding the State Fire Marshal's findings relating to the effectiveness of the law on reduced ignition propensity standards for cigarettes and the Workforce Safety and Insurance safety audit of the Roughrider Industries work programs and the performance audit of the modified workers' compensation coverage program.

In response to a question from Representative Carlson, Representative Keiser said the Insurance Commissioner is the only state official who has had to make a significant decision regarding the state's participation in a program implemented under the federal health care reform legislation. He said the commissioner decided the state would participate in the federal high-risk pool rather than establish a new state high-risk pool and assume the risk of the exhaustion of the federal government funding for the support of the state pool. He said the Department of Human Services, the State Department of Health, and the Public Employees Retirement System have had to review and make determinations regarding grant applications related to programs implemented under the federal legislation.

**It was moved by Representative Monson, seconded by Senator Wardner, and carried on a**

**roll call vote to accept the report of the Industry, Business, and Labor Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Wolf and Senators Erbele, Grindberg, Holmberg, O'Connell, and Wardner voted "aye." No negative votes were cast.

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

Representative Lisa Wolf, Chairman, Commission on Alternatives to Incarceration, presented the commission report. She said the commission studied sentencing alternatives; mandatory sentences; treatment options; the expanded use of problem-solving courts, home monitoring, and other related issues. She said the commission toured several correctional, treatment, and transition facilities around the state and reviewed a number of programs providing alternatives to incarceration.

**It was moved by Representative Wolf, seconded by Senator Holmberg, and carried on a roll call vote to accept the report of the Commission on Alternatives to Incarceration.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Wolf and Senators Erbele, Grindberg, Holmberg, O'Connell, and Wardner voted "aye." No negative votes were cast.

The committee recessed at 4:30 p.m. and reconvened at 9:00 a.m. on Wednesday, November 17, 2010.

### **EDUCATION COMMITTEE**

Representative David Monson, Chairman, Education Committee, presented the committee report. He said the committee studied the statutory criteria for the approval of public and nonpublic schools, regulatory criteria for the accreditation of schools, and the consequences to schools and school districts that fail to meet the criteria; longer term elementary and high school closings and student transfers necessitated by the occurrence of widespread or severe damage as a result of any natural or manmade cause, including fire, flood, tornado, storm, chemical spill, and epidemic; Indian education issues; and educational delivery to Indian students, ways to address the unique challenges of that effort, and the feasibility and desirability of utilizing contractual options for state-supported educational delivery. He said the committee also received periodic reports from the North Dakota Commission on Education Improvement and 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 for instructional time for high school courses, the failure of any school board to meet the statutory threshold for increasing teacher compensation, the number of districts having more than \$50,000 excluded in the

determination of their general fund ending balance, the manner in which school districts used their one-time supplemental grants, the status of the statewide longitudinal data system plan, the activities of the North Dakota Early Childhood Education Council, the activities of the Autism Spectrum Disorder Task Force, and the findings and recommendations of the Superintendent of Public Instruction's Advisory Committee on Truancy.

**It was moved by Representative Monson, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Education Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, Potter, Robinson, and Wardner voted "aye." No negative votes were cast.

### **AGRICULTURE COMMITTEE**

Representative Shirley Meyer presented the committee report. She 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. She said this interim, the committee focused on rewriting the laws that pertain to the State Seed Department. She said the committee also studied issues related to the development of livestock feeding facilities and the use of byproducts from biofuels production as a feedstock and the bonding requirements placed on grain warehouses and buyers, including ethanol plants and grain processors. She said the committee received a report from the State Board of Agricultural Research and Education regarding its annual evaluation of research activities and expenditures and a report from the Advisory Commission on Sustainable Agriculture regarding the status of the committee's activities.

**It was moved by Representative Meyer, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Agriculture Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Grindberg, Holmberg, Potter, Robinson, and Wardner voted "aye." No negative votes were cast.

### **ENERGY DEVELOPMENT AND TRANSMISSION COMMITTEE**

Senator Rich 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, the development of wind resources and other natural resources in the same location, wind easements and wind energy leases, and the allocation of wind rights. 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, the State Water Commission on water resources for each sector of energy production, Basin Electric Power Cooperative on its carbon dioxide capture project, and the Industrial Commission on cap and trade systems. He said the committee focused on wind energy development.

**It was moved by Senator Wardner, seconded by Senator O'Connell, and carried on a roll call vote to accept the report of the Energy Development and Transmission Committee.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Potter, Robinson, and Wardner voted "aye." No negative votes were cast.

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

Senator Tracy Potter, Chairman, Advisory Commission on Intergovernmental Relations, presented the commission report. He said the commission studied solid waste management, public improvement bidding, and inmate medical costs. He said the commission focused on these areas of study and studied other areas, including the state aid distribution fund; state assistance to counties for major trials; municipal judges and courts; and city park district creation, consolidation, and dissolution.

**It was moved by Senator Potter, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Advisory Commission on Intergovernmental Relations.** Representatives Carlson, Kreidt, Meyer, Monson, and Skarphol and Senators Erbele, Grindberg, Holmberg, O'Connell, Potter, Robinson, and Wardner voted "aye." No negative votes were cast.

### **JUDICIAL PROCESS COMMITTEE**

Representative Shirley Meyer, Chairman, Judicial Process Committee, presented the committee report. She said the committee studied the feasibility and desirability of transferring from the county to the state the responsibility for the cost of and responsibility for providing legal counsel in cases involving the commitment of sexually dangerous individuals under Chapter 25-03.3 and the feasibility and desirability of transferring from the county to the state the responsibility for the cost of expert examinations and the cost and responsibility for providing legal counsel in mental health commitment cases. She said the committee studied the involuntary mental health commitment procedures under Chapter 25-03.1. She said the committee studied the establishment of an ombudsman program for consumers of child and family services. She said the committee studied the Department of Human Services' child support enforcement program, child support determinations of income and support obligations, the feasibility and desirability of the establishment of an ombudsman program, and coordination of services and resources

for parents. She said the committee received four reports--a report 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, an annual report from the director of the Commission on Legal Counsel for Indigents containing pertinent data on the indigent defense contract system and established public defender offices, a report from the Department of Human Services on services provided by the Department of Corrections and Rehabilitation for individuals at the State Hospital who have been committed to the care and custody of the executive director of the Department of Human Services, and a report from the Department of Corrections and Rehabilitation regarding the short-term shelter and assessment pilot program for at-risk children and youth in the South Central Judicial District during the 2009-11 biennium.

**It was moved by Representative Meyer, seconded by Senator Wardner, and carried on a roll call vote to accept the report of the Judicial Process Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, Robinson, Stenehjem, and Wardner voted "aye." No negative votes were cast.

### JUDICIARY COMMITTEE

Representative Chris Griffin, Chairman, Judiciary Committee, presented the committee report. He said the committee studied the charitable gaming and pari-mutuel racing laws to determine whether the laws regarding taxation, limitations, administration, enforcement, conduct, and play of charitable gaming are fair, adequate, and appropriate. He said the committee studied the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act and the feasibility and desirability of adopting the Uniform Debt-Management Services Act. He said the committee conducted a study of whether penalties for felonies are suitable to the felonious behavior and a study of the criminal offenses in the North Dakota Century Code for which a monetary amount triggers the grading of the offense, with particular emphasis on the grading of theft offenses contained in Chapter 12.1-23. He said the committee reviewed the uniform Acts recommended by the North Dakota Commission on Uniform State Laws and undertook statutory revision responsibilities. He said the committee received a report from the director of the Racing Commission and a report from the director of the North Dakota Lottery.

**It was moved by Representative Griffin, seconded by Senator Holmberg, and carried on a roll call vote to accept the report of the Judiciary Committee.** Representatives Carlson, Griffin, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

### LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Representative Al Carlson, Chairman, Legislative Procedure and Arrangements Committee, presented the committee report. He said the committee was responsible for making arrangements for the 2011 legislative session. He said the committee administered the legislative space renovation appropriation. He said all committee rooms have had their carpeting replaced, committee tables replaced, intern or committee clerk desks replaced, side chairs reupholstered or replaced, network access wiring installed, and hearing display monitors installed. He said information display monitors have been replaced on the ground floor and on the information kiosk. He said the committee is recommending legislative rules amendments, including a major recommendation to provide additional days for committees to consider bills before rereferral to the Appropriations Committees, to add an extra week before the crossover deadline, and to add an extra week for consideration of bills in the second chamber.

**It was moved by Representative Carlson, seconded by Senator O'Connell, and carried on a roll call vote to accept the report of the Legislative Procedure and Arrangements Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

### WORKERS' COMPENSATION REVIEW COMMITTEE

Representative Dan Ruby, Chairman, Workers' Compensation Review Committee, presented the committee report. He reviewed the committee's study charges and reports the committee received. He said the issue of communication was a recurring theme in all four of the workers' compensation claims reviewed by the committee. Additionally, he reviewed the substance and background of each of the seven bills the committee recommended.

**It was moved by Senator Holmberg, seconded by Senator Wardner, and carried on a roll call vote to accept the report of the Workers' Compensation Review Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

### WORKFORCE COMMITTEE

Senator Tony S. Grindberg, Chairman, Workforce Committee, presented the committee report. He reviewed the history and development of North Dakota's workforce and economic development efforts and strategies. Additionally, he summarized the committee's study charges, reports the committee received, and the 10 bills and 2 concurrent resolutions the committee recommended.

**It was moved by Senator Grindberg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Workforce Committee.** Representatives Carlson, Kreidt, Meyer, Monson, Skarphol, and Weisz and Senators Erbele, Grindberg, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

The chairman called on Mr. Allen H. Knudson, Legislative Budget Analyst and Auditor, Legislative Council, to explain a memorandum entitled [Cost-to-Continue Items and Estimated Fiscal Impact of Major Legislative Management Recommendations](#) that

provides information on the fiscal impact of and costs to continue programs reviewed and recommended by Legislative Management committees.

The committee adjourned at 12:00 noon.

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Jim W. Smith  
Director