

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE MANAGEMENT

Tuesday, May 10, 2011
Roughrider Room, 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, Gary A. Lee, Larry Robinson, Bob Stenehjem, Ryan M. Taylor

Member absent: Senator Ray Holmberg

Others present: Jay E. Buringrud, Allen H. Knudson; Legislative Council, Bismarck

See attached [appendix](#) for additional persons present.

It was moved by Representative Kelsh, seconded by Representative Vigasaa, and carried on a voice vote that the minutes of the April 28, 2011, meeting be approved as distributed.

Chairman Carlson welcomed the attendees and outlined the procedure to be followed. He said there are 72 studies under consideration, 12 of which are required and 60 are discretionary studies. He said during the 2009-10 interim there were 63 studies prioritized, 53 were prioritized during the 2007-08 interim, and 44 were prioritized during the 2005-06 interim. He said his goal is to have 40 or fewer studies for this interim; therefore, around 30 of the discretionary studies should be approved. He said that means about 30 of the discretionary studies should not be approved. He said the procedure he planned to follow was to take up the various studies for consideration and to place them on lists to be approved, not approved, or in a "hold" category for further consideration. He said at the end of the day the Legislative Management will take a recorded roll call vote on those discretionary studies that are to be approved. He said Mr. Jay E. Buringrud, Assistant Director, Legislative Council, will be categorizing the studies for consideration of interim committee structure. He said last interim there were 25 committees.

Chairman Carlson called on the director of the Legislative Council to review the documents that had been distributed and to make some announcements. The director indicated that the purpose of today's meeting was to prioritize the studies for the 2011-12 interim and with approximately 25 to 26 interim committees, the number of studies prioritized should

be around 40. The director indicated the 62nd Legislative Assembly created three new statutory committees--the Education Funding and Taxation Committee, the Health Care Reform Review Committee, and the Redistricting Committee--and there are 13 statutorily established or recognized committees. Each member had a binder that included a listing of the studies to be considered and the supporting information arranged by bill or resolution number, which included a short description of the subject matter. In addition, a worksheet was distributed which members could use to indicate the committee's action as studies are reviewed. The director said the agenda also includes establishment of the membership of the Budget Section for the 2011-12 interim to allow the committee to meet before June 30 and consideration of a motion authorizing the chairman to prepare a committee structure and to send questionnaires to members of the Legislative Assembly regarding committee preferences. He said the Legislative Management will determine the actual committee membership for the selected committees at its May 25, 2011, meeting. The information regarding committee preferences will be sent by e-mail to all legislators.

It was moved by Senator Stenehjem, seconded by Representative Drovdal, and carried on a roll call vote that the membership of the Budget Section consist of the same membership as last interim--members of the House and Senate Appropriations Committees, the minority and majority leaders and their assistants from both houses, and the Speaker of the House. Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigasaa, and Weisz and Senators Erbele, Heckaman, Hogue, Lee, Robinson, Stenehjem, and Taylor voted "aye." No negative votes were cast.

Chairman Carlson reviewed each of the proposed studies in the document listing the studies numerically. The Legislative Management then proceeded to discuss each study, including the merits and reasons for proposed studies. Consideration was given as to whether to approve or not approve each study on the listing. The following is a chart listing the Legislative Management's action on each of the 72 studies:

| Yes | No | Hold | Bill or Resolution No. | Subject Matter |
|-----|----|------|------------------------|--|
| X | | | 1036 § 1 | (Required study) Study developmental education issues, including a review with the Department of Public Instruction and the North Dakota University System of the secondary schools attended by students requiring developmental education, the reasons students need developmental education, efforts to reduce the number of developmental education students at higher education institutions, the alignment of elementary and secondary education standards, curriculum, and textbooks with higher education admissions standards, and the best practices for alleviating developmental education at higher education institutions |
| X | | | 1046 § 5 | (Required study) Study potash mining and taxation issues |
| X | | | 1199 § 1 | (Required study) Contract with a consultant to study guardianship services for vulnerable adults in the state. The study must include an analysis of the need for guardianship services in the state; the establishment of guardianships; petitioning costs and other costs associated with providing guardianship services; the entities responsible for guardianship costs; and the interaction between the courts, counties, state agencies, and guardianship organizations regarding guardianship services. The consultant shall provide periodic reports and shall provide the final report and recommendations regarding the study to the Legislative Management before June 1, 2012 - Amended by Legislative Management directive to include the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship and public administrator responsibilities and services |
| X | | | 1252 § 1 | (Required study) Monitor the impact of the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010; rules adopted by federal agencies as a result of that legislation; and any amendments to that legislation |
| X | | | 1267 § 1 | (Required study) Develop a legislative redistricting plan to be implemented in time for use in the 2012 primary election |
| X | | | 1318 § 1 | (Required study) Review the state's irrigation laws and rules and evaluate the process of prioritization of water projects |
| X | | | 2032 § 13 (2007) | (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 1.5 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, and considering sustainability of state-funded property tax relief in view of the compounding effect of ongoing property taxable valuation increases (amended by 1047 § 15 (2011)) |
| X | | | 2150 § 40 | (Required study) Examine short-term and longer-term state and local involvement in funding elementary and secondary education |
| X | | | 2281 § 2 | (Required study) Study concussion management with respect to youth athletics, including the nature, scope, and applicability of programs designed to prevent or eliminate concussions |
| X | | | 2302 § 3 | (Required) Develop recommendations for the investment of funds in the legacy fund and the budget stabilization fund to present to the State Investment Board |
| X | | | 2336 § 1 (2009) | (Required study - Required committee until November 30, 2013) Legislative overview of water-related topics and related matters for any necessary discussions with adjacent states on water-related topics |
| X | | | 2356 § 2 | (Required study) Study use of special assessments for public improvements, use and administration of special assessments across the state, and alternative funding mechanisms available and possible processes and procedures that would facilitate a transition to any recommended alternative funding mechanisms |
| | X | | 1003 § 22 | Study programs offered by University System institutions that address the workforce needs of the state, including a review of the use of graduated tuition rates to increase enrollment in programs that address workforce needs |
| X | | | 1003 § 23 | Study 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 and Health Sciences to meet the health care needs of the state |
| X | | | 1004 § 8 | Study 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 |

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|-----|----|------|------------------------|--|
| | X | | 1007 § 4 | Study all available options, including demolition, for the disposition of the old Veterans' Home facility |
| | X | | 1007 § 5 | Study the delivery of services to veterans, including the consistency in training and of the provision of services by county veterans' service officers |
| X | | | 1011 § 5 | Study the feasibility and desirability of relocating the Highway Patrol training academy or portions of the training academy and review options for relocating the training academy, options for relocating the emergency operations vehicle training course, and options for constructing a Highway Patrol shooting range - Amended by Legislative Management directive to include study of options for financial participating by local users of the facilities |
| X | | | 1012 § 13 | Study the use of state-owned airplanes, including a review of airplanes owned by state agencies, the justification for each airplane, the frequency of use of each airplane, options for purchasing or leasing new airplanes, and the feasibility and desirability of requiring state airplanes to be managed by State Fleet Services |
| X | | | 1014 § 5 | Study primacy in the administration of federal Environmental Protection Agency regulations |
| X | | | 1033 § 3 | Study issues affecting higher education, including higher education funding mechanisms and higher education budget methods |
| X | | | 1047 § 16 | Study the feasibility and desirability of revision of the financial institutions taxes, including the feasibility of taxing financial institutions under the state corporate income tax laws and including consideration of corporate income taxes, corporate income apportionment factors, and potential impact of federal legislation on state corporate income taxes |
| | X | | 1152 § 2 | Study and evaluate the positive and negative impacts of implementation of patient-centered medical homes in the state, including consideration of whether implementation is resulting in North Dakota residents experiencing health care savings and improved medical results as well as whether implementation is impacting North Dakota's critical access hospitals |
| X | | | 1152 § 3 | Study the future of health care delivery in the state, including focus on the delivery of health care in rural areas of the state and include input from the School of Medicine and Health Sciences Center for Rural Health, hospitals, and the medical community |
| | X | | 1225 § 3 | Study county and city emergency fund levies and expenditures and jurisdictional responsibilities and issues relating to emergency fund levies and expenditures |
| X | | | 1246 § 3 | Study the feasibility and desirability of extending the sales tax exemption on purchases of tangible property to all charitable nonprofit organizations so that all such organizations are treated equally and fairly under state law; and may undertake a comparative analysis of the efficacy of sales tax exemptions and rate reductions, including, for each exemption or reduction, a detailed analysis of the fiscal impact to the state; benefits to the state economy from eliminating or retaining the exemption or rate reduction; the relationship of the exemption or rate reduction to tax policies of other states and to federal or state laws or regulations; and who are the beneficiaries of each exemption or rate reduction, specifically including the extent to which the benefits flow to out-of-state concerns |
| X | | | 1322 § 3 | Study use of special assessments for public improvements, use and administration of special assessments across the state, and alternative funding mechanisms available, with emphasis on imposition and relative rate of special assessments against agricultural property, and including examination of agricultural property tax classification and assessment issues, with emphasis on these issues within and near city boundaries |
| X | | | 1365 § 1 | Study statutes of limitation and venue requirements for civil actions in North Dakota, including a review of the limitation on the length of time that has passed since a cause of action arose and whether the time limitations in current law remain appropriate or should be changed, the extent to which claims are filed in North Dakota courts for claims otherwise prohibited in other states due to the relevant statute of limitation having expired, and a review of the venue requirements for bringing a civil action in North Dakota and whether the venue requirements should be amended to limit claims being brought in this state by nonresidents who have no connection to this state |
| | X | | 1375 § 1 | Study the benefits offered in this and other states to National Guard members, including life insurance coverage |
| | X | | 1386 § 1 | Study whether steps can be taken to improve health care service providers' access to third-party payer reimbursement network systems in order to improve North Dakotans' access to health care services and to contain their health care costs and out-of-pocket expenses |
| X | | | 1417 § 1 | Study the feasibility and desirability of exempting purchases by health-related clinics from sales and use taxes, including what circumstances, if any, purchases by health-related clinics should be exempt from sales and use taxes |

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|-----|----|------|------------------------|---|
| X | | | 1442 § 1 | Study regulations of drivers and of motor vehicles in the North Dakota Century Code for consistency, clarity, and substance |
| X | | | 2006 § 6 | Study the state's income tax credits, including an inventory of all of the state's income tax credits, a review of the nature of each credit, an indication of the targeted class of recipients of each credit, an analysis of possible barriers to using the credits, an analysis of possible gaps and overlaps in the state's income tax credits, the relationship of state income tax credits to federal tax policy, and a review of the effectiveness of each credit |
| | X | | 2008 § 5 | Study gas pipelines in the state focusing on safety concerns of gas utility distributions and transmission, including all pipeline activity and addressing the jurisdiction of pipelines in the state in consultation with the Public Service Commission, Industrial Commission, and North Dakota One Call |
| X | | | 2012 § 9 | Study and evaluate the state's qualified service provider system |
| X | | | 2042 § 5 | Study the eligibility requirements for the veterans', charitable, educational, religious, fraternal, civic and service, public safety, and public-spirited organizations that conduct charitable gaming |
| X | | | 2044 § 3 | Study motor vehicle permit fees, including overweight and overwidth permit fees charged by cities and counties |
| | X | | 2057 § 31 | Study the development of a reliable means of estimating the effect of future population growth on state and local government revenues |
| | X | | 2057 § 32 | Study the means by which training and assistance are provided to early childhood services providers and the efficiency of administering training and assistance to early childhood services providers, including whether there is duplication of efforts; review the effectiveness of funding provided to the Department of Human Services for early childhood care, including workforce development, child care capacity, and quality improvement for early childhood facilities, for the 2009-11 biennium and to the Department of Commerce for financing to early childhood facilities and early childhood facility grants for technical assistance, a business plan, or infrastructure for the 2009-11 biennium; and consider the effectiveness of funding provided to the Department of Human Services for child care service provider grants for the 2011-13 biennium |
| | X | | 2079 § 2 | Study the exploitation of the state's elderly and the state's vulnerable adult population, including a review of the vulnerable adult protection system and the use of Sections 12.1-31-07, 12.1-31-07.1, and 12.1-31-07.2 and any barriers to the use of those sections; a review of state and county services available to detect and respond to elderly abuse; and a statewide review of the role public administrators and guardians have in providing services to the elderly and to vulnerable adults |
| X | | | 2100 § 3 | Study the statutory provisions setting compensation rates for members of executive branch boards and commissions to determine whether it may be desirable to standardize some or all of the compensation rate provisions |
| X | | | 2125 § 1 | Study the feasibility and desirability of adopting the Uniform Electronic Recording of Custodial Interrogations Act |
| | X | | 2150 § 41 | Study the provision and funding of adult education |
| X | | | 2234 § 1 | Study various mechanisms for improving coordination and consultation regarding federal designation over land or water resources in North Dakota |
| X | | | 2268 § 2 | Study the current system for the diagnosis of, early treatment of, care for, and education of individuals with autism spectrum disorder, including a review of a sliding fee scale for payment of services and the value of services provided; consideration of the recommendations of the Autism Spectrum Disorder Task Force; and input from stakeholders in the private and public sectors, including families affected by autism spectrum disorder, insurers, educators, treatment providers, early childhood service providers, caretakers, and nonprofit intermediate care facilities for individuals with intellectual disabilities |
| | X | | 2279 § 5 | Study the North Dakota veterans' preference laws |
| | X | | 2298 § 4 | Study the delivery of early childhood services and programs aimed at providing services to children, such as Head Start, temporary assistance for needy families, the early childhood comprehensive system program, and Department of Public Instruction-approved preschools and the funding sources for the recipients and providers of these services, including a review of the various agencies involved in providing grants and other funding for the recipients and providers of these services |

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|-----|----|------|------------------------|---|
| X | | | 2305 § 1 | Study 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 |
| | X | | 2318 § 1 | Study carbon dioxide storage easements and the duration of carbon dioxide storage easements |
| | X | | 2342 § 3 | Study the laws and rules relating to subsurface field tiling |
| X | | | 2351 § 2 | Study the assessment of mandatory fees and fees for optional purposes or services by institutions under the control of the State Board of Higher Education, including the manner in which such fees are determined, identified, and justified and whether the programs, purposes, services, and activities supported by such fees should in fact be supported by tuition dollars, legislative appropriations, or other public or private funding sources |
| | X | | 2367 § 1 | Study the physical, emotional, and financial effects associated with divorce involving dependent children, and offer legislative policy solutions, including divorce reform legislation and marriage and relational education, which will lead to increasing the number of dependent children living in intact families |
| X | | | 3001 | Study North Dakota Century Code provisions that relate to agriculture for the purpose of recommending changes to laws that are found to be irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction |
| | X | | 3003 | Study the impact of federal health care reform legislation on this state |
| | X | | 3007 | Study eminent domain laws as they relate to pipeline siting |
| | X | | 3010 | Study passenger rail service in the state, including options for implementing passenger rail service in the southern part of the state |
| X | | | 3011 | Study of the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act |
| X | | | 3030 | Study the feasibility and desirability of requiring use of cigarette tax stamps |
| X | | | 3032 | Study the needs of, economic values of, and methods to improve access roadways to recreational, tourist, and historical sites in North Dakota |
| | X | | 3036 | Study the trial by jury rights of a person charged with the commission of a misdemeanor, including the extent to which jury trials are conducted in the state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for Class B misdemeanors; a review of the jury trial process of other states; and the feasibility and desirability of eliminating a jury trial right for civil traffic tickets |
| | X | | 3037 | Study the statutes throughout the North Dakota Century Code which grant immunity from civil or criminal liability for performing certain functions |
| | X | | 3038 | Study transportation funding options |
| | X | | 3043 | Study the filling of vacancies in the Legislative Assembly |
| | X | | 3045 | Study the feasibility and desirability of requiring private or public employers or both to use the federal E-Verify program for new hires |
| X | | | 4001 | Study the imposition of fees by courts at sentencing and other fees that are imposed upon offenders |
| X | | | 4005 | Study the impact of the Patient Protection and Affordable Care Act on the Comprehensive Health Association of North Dakota and the statutes governing the Comprehensive Health Association of North Dakota |
| | X | | 4010 | Study the adequacy of governmental services, including judicial services, to respond to issues relating to an aging population, including veterans, and to study the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship and public administrator responsibilities and services |
| X | | | 4012 | Study the feasibility and desirability of placing the entire Fort Berthold Reservation in a single public health unit |
| | X | | 4017 | Study the feasibility and desirability of allowing school officials, including officials of higher education institutions, access to the otherwise confidential files and records of the juvenile court |
| X | | | 4020 | Study the causes of the increases in Department of Human Services caseloads and program utilization and the impact of federal health care reform |

| Yes | No | Hold | Bill or Resolution No. | Subject Matter |
|-----|----|------|------------------------|---|
| | X | | 4021 | Study the feasibility and desirability of developing a strategic partnership between the state Tourism Division and corresponding tourism departments or alliances of tourism departments of the Indian tribes within North Dakota promoting tourism in North Dakota |
| | X | | 4026 | Study the extent to which North Dakota institutions of higher education are contracting with companies that specialize in managing refund operations, whether such companies are offering online financial and banking services to North Dakota students, and whether the students are being given full, complete, and readily comprehensible information regarding the array of services being offered, the fees being charged, and other options that are available for the control and management of their financial resources |

The committee recessed at 12:20 p.m. and reconvened at 1:30 p.m. for additional consideration of prioritization of studies.

Chairman Carlson announced that 43 studies had been prioritized of the 72 possible. He asked if there was any additional consideration of the study areas.

Chairman Carlson said he received a letter from Mr. Al Jaeger, Secretary of State, regarding the Legislative Management's possible study of various functions of the election process. A copy of the letter is on file in the Legislative Council office. Chairman Carlson said the Secretary of State indicated that the Legislative Assembly considered two bills relating to this area, and even though the bills were not adopted, there is still a need for additional study of the elections process. After discussion Chairman Carlson indicated the study would not be prioritized.

Chairman Carlson said the initiated measure regarding the repeal of property taxes in North Dakota has been approved by the Secretary of State for inclusion on the June 2012 primary election. He said the measure would provide for the elimination of property taxes and require the state to replace the lost revenues without restrictions on how those revenues may be spent. Senator Stenehjem suggested the interim Taxation Committee review the issue. Senator Robinson suggested any committee assigned to the issue hold hearings across the state to get public input regarding the effect of the measure.

It was moved by Representative Meyer, seconded by Senator Taylor, and carried on a voice vote that the Legislative Management study the ramifications of the initiated measure to prohibit local imposition of property taxes.

Committee members discussed the need for holding meetings at various locations outside Bismarck to get public input and awareness regarding the impact of the initiated measure. It was the consensus that the number of meetings and location be determined by the committee chairman, after discussion with the chairman of the Legislative Management.

It was moved by Representative Meyer and seconded by Senator Robinson that the Legislative Management give approval to the

study called for in House Bill No. 1007 regarding the delivery of services to veterans, including county veterans' service officers. The motion failed on a roll call vote. Representatives Kelsh, Meyer, and Onstad and Senators Heckaman, Robinson, and Taylor voted "aye." Representatives Carlson, Damschen, Drovdal, Ruby, Vigesaa, and Weisz and Senators Erbele, Hogue, Lee, and Stenehjem voted "nay."

It was moved by Senator Robinson, seconded by Senator Stenehjem, and carried on a roll call vote that the Legislative Management give approval to the list of studies placed in the approved category. Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Lee, Robinson, Stenehjem, and Taylor voted "aye." No negative votes were cast.

It was moved by Senator Stenehjem, seconded by Senator Robinson, and carried on a roll call vote that the chairman be authorized to prepare a proposed interim committee structure and a questionnaire containing the proposed committee structure and to send the questionnaire to legislators to indicate their preference on interim committees. Representatives Carlson, Damschen, Drovdal, Kelsh, Meyer, Onstad, Ruby, Vigesaa, and Weisz and Senators Erbele, Heckaman, Hogue, Lee, Robinson, Stenehjem, and Taylor voted "aye." No negative votes were cast.

Chairman Carlson announced the next meeting of the Legislative Management would be Wednesday, May 25, 2011.

It was moved by Senator Robinson, seconded by Representative Kelsh, and carried on a voice vote that the meeting be adjourned subject to the call of the chair at 2:00 p.m.

Jim W. Smith
Director

ATTACH:1