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## LEGISLATIVE MANAGEMENT

Monday, September 12, 2022  
Harvest Room, State Capitol  
Bismarck, North Dakota

Representative Chet Pollert, Chairman, called the meeting to order at 8:33 a.m.

**Members present:** Representatives Chet Pollert\*, Glenn Bosch, Joshua A. Boschee\*, Michael Howe\*, Kim Koppelman, Mike Lefor\*, Alisa Mitskog\*, Robin Weisz\*; Senators Joan Heckaman, Merrill Piepkorn\*, Donald Schaible\*, Terry M. Wanzek\*, Rich Wardner\*

**Members absent:** Representative Jim Schmidt; Senators Jessica Bell, Randy A. Burckhard, Jerry Klein

**Others present:** Allen H. Knudson, Emily Thompson, and Jennifer S. N. Clark, Legislative Council; Dave Krabbenhoft, Director, Department of Corrections and Rehabilitation; Jason Wahl, Director, Division of Medical Marijuana, Department of Health and Human Services; Karen Mongeon, Director, Highway Safety, Department of Transportation; Shannon Fleischer, Associate Director, Tax Department; Lynette Baumiller, Director, Administrative Services, Department of Agriculture; Major Aaron Hummel, Chief of Staff, Highway Patrol

*\*Attended remotely*

**It was moved by Senator Schaible, seconded by Representative Weisz, and carried on a voice vote that the minutes of the November 1, 2021, meeting be approved as distributed.**

### INITIATED MEASURE FISCAL IMPACT STATEMENTS

Chairman Pollert commented regarding the process to review the fiscal impact statements of initiated measures. He noted:

- The purpose of the meeting is to fulfill the Legislative Management's statutory responsibility to coordinate the determination of the estimated fiscal impact of initiated measures.
- North Dakota Century Code Section 16.1-01-17 requires the Legislative Management to hold hearings, receive public testimony, and gather information on the estimated fiscal impact of initiated measures.
- Two initiated measures qualified for the general election ballot--Measure No. 1 relates to imposing term limits on the Governor and legislators and Measure No. 2 relates to the legalization and regulation of cannabis.
- The Legislative Council staff requested the state agencies that appear to have the best information on the impact of the measure or the primary responsibility for compiling and maintaining relevant information to present their determinations at this meeting.
- Any comments and discussion during the general comment period after presentation of the fiscal impact statements must be confined to the fiscal impact statements.
- The committee will consider acceptance of the fiscal impact statements and then consider a motion to direct the Legislative Council to forward accepted statements to the Secretary of State as required by law.
- The Secretary of State is required to make the information available to the public.

### Legalization and Regulation of Cannabis

Chairman Pollert called on Mr. Jason Wahl, Director, Division of Medical Marijuana, Department of Health and Human Services, for comments regarding the projected fiscal impact ([appendix](#)) of Initiated Measure No. 2, which relates the legalization and regulation of cannabis.

In response to questions from members of the Legislative Management, Mr. Wahl noted:

- Because the department intends to make the regulatory program self-supporting, no additional general fund revenue should be necessary.
- The Department of Transportation projected costs likely are related to a media campaign regarding safety and impaired driving.
- Conversations with regulatory officials from Montana helped the department determine the estimated cost to implement the program and could provide some insight into the anticipated volume of sales.
- An estimate of the costs related to law enforcement could not be determined in part due to the short time frame in which to complete the fiscal impact statement.

Members of the Legislative Management generally agreed additional information regarding the fiscal impact of the cannabis measure would have been helpful, but recognized the time constraints involved.

### **Imposition of Term Limits**

Chairman Pollert called on Mr. Allen H. Knudson, Legislative Budget Analyst and Auditor, Legislative Council, for comments regarding the projected fiscal impact of Initiated Measure No. 1, which imposes constitutional term limits on the Governor and members of the Legislative Assembly. Mr. Knudson presented a memorandum entitled [Estimated Fiscal Impact of Term Limit Measure](#), and noted the Legislative Council prepared the fiscal impact statement with respect to the Legislative Assembly and the Office of Management and Budget responded with respect to the fiscal impact of term limits on the Governor.

In response to questions from members of the Legislative Management, Mr. John Bjornson, Director, Legislative Council noted:

- It is not possible to quantify the impact of holding elections to fill future legislative vacancies as a result of the measure.
- There likely will be administrative and policy impacts that would not be reflected in a fiscal impact statement.
- The constitutional time frame for submission of ballot measures and the statutory requirements for the preparation of ballots make it difficult to prepare a fiscal impact statement within the prescribed time frame.

**It was moved by Senator Wanzek, seconded by Senator Wardner, and carried on a roll call vote that the committee accept the submitted fiscal impact statement for Measure No. 1 and Measure No. 2, and request the Legislative Council to forward the accepted fiscal impact statements to the Secretary of State.** Representatives Pollert, Bosch, Boschee, Howe, Koppelman, Lefor, Mitskog, and Weisz and Senators Heckaman, Piepkorn, Schaible, Wanzek, and Wardner voted "aye." No negative votes were cast.

### **CONSENT TO APPOINTMENT**

Chairman Pollert noted Section 15-10-51 requires the State Board of Higher Education to appoint two members to the Higher Education Grant Review Committee, with consent from the Legislative Management. He indicated the State Board of Higher Education submitted Mr. Kevin Black as a member of the board to serve on the review committee.

**It was moved by Representative Koppelman, seconded by Representative Bosch, and carried on a roll call vote that the Legislative Management consent to the appointment of Mr. Kevin Black to the Higher Education Grant Review Committee.** Representatives Pollert, Bosch, Boschee, Howe, Koppelman, Lefor, Mitskog, and Weisz and Senators Heckaman, Piepkorn, Schaible, Wanzek, and Wardner voted "aye." No negative votes were cast.

### **HEALTH INSURANCE MANDATE RECOMMENDATION**

Chairman Pollert called on Ms. Jennifer S. N. Clark, Senior Counsel and Code Revisor, Legislative Council, regarding the recommendation of the Employee Benefits Programs Committee relating to a procedure to address the cost-benefit analysis performed on health insurance mandate bills. She noted:

- Section 54-03-28 was amended by the 2021 Legislative Assembly to direct the Legislative Management to adopt a procedure to address the cost-benefit analysis of health insurance mandate bills.
- The responsibility to adopt the procedure was delegated to the Employee Benefits Programs Committee.

- The Employee Benefits Programs Committee recommended the procedure require a legislator who plans to introduce a legislative measure that provides for a health insurance mandate to provide the Legislative Council with a copy of the proposed measure by the close of business on the second Friday following the adjournment of the legislative organizational session.

**It was moved by Representative Boschee, seconded by Representative Lefor, and carried on a roll call vote that the Legislative Management adopt the recommendation made by the Employee Benefits Programs Committee, requiring any legislator planning to introduce a legislative measure that provides for a health insurance mandate under Section 54-03-28 to provide the Legislative Council with a copy of the measure by the close of business on the second Friday following the adjournment of the legislative organizational session, and that Legislative Procedure and Arrangements Committee propose rules amendments to implement this requirement.** Representatives Pollert, Bosch, Boschee, Howe, Koppelman, Lefor, Mitskog, and Weisz and Senators Heckaman, Piepkorn, Schaible, Wanzek, and Wardner voted "aye." No negative votes were cast.

Chairman Pollert requested the Legislative Council staff to send a letter to all legislators informing them of the new policy.

### **MISCELLANEOUS ADMINISTRATIVE MATTERS**

Chairman Pollert noted to ensure a returning member will be available to call a meeting of the Legislative Management at the conclusion of the 2023 legislative session, the Legislative Management will need to elect a new Chairman and Vice Chairman at its meeting in November.

No further business appearing, Chairman Pollert adjourned the meeting at 9:24 a.m.

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John Bjornson  
Director

ATTACH:1