

## **CHAPTER 54-35 LEGISLATIVE MANAGEMENT**

### **54-35-01. Legislative management - Created - Members - Vacancy - Terms.**

1. The North Dakota legislative management consists of the majority and minority leaders of the house and of the senate, the speaker of the house, and six senators and six representatives chosen biennially before the close of each regular legislative session.
2. In the house of representatives the majority leader shall appoint to the legislative management four members elected by the political party with the largest number of members in the house and the minority leader of the house shall appoint to the legislative management two members elected by the political party with the next largest number of members in the house.
3. In the senate the majority leader shall appoint to the legislative management four members elected by the political party with the largest number of members in the senate and the minority leader shall appoint to the legislative management two members elected by the political party with the next largest number of members in the senate.
4. Any vacancy occurring when the legislative assembly is not in session must be filled by the selection of another member of the legislative assembly belonging to the same party as the member originally appointed, the selection to be made by the remaining senate or house members of the legislative management, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the legislative management shall serve until a new legislative management has been selected at the next regular legislative session; provided, however, that no senator, not a holdover, who is not re-elected to the senate, and no representative, who is not re-elected to the house of representatives, may serve as a member of the legislative management beyond the closing day of the term to which elected. Any vacancy occurring because any member of the legislative management is not re-elected must be filled for the period from the beginning of the session until a new legislative management is selected, in the same manner as the original legislative management is selected.

### **54-35-02. Powers and duties.**

In addition to the other applicable provisions of this chapter, the legislative management has the following powers and duties:

1. To study, consider, accumulate, compile, and assemble information on any subject upon which the legislative assembly may legislate, and upon such subjects as the legislative assembly may by concurrent or joint resolution authorize or direct, or any subject requested by a member of the legislative assembly; provided, that the legislative management may screen and prioritize studies assigned by concurrent or joint resolution to maintain its workload within the limitations of time and legislative appropriations.
2. To collect information concerning the government and general welfare of the state and of its political subdivisions.
3. To study and consider important issues of public policy and questions of general interest.
4. To study and promote uniformity of legislation in the United States upon subjects upon which uniformity is desirable and to receive, review, and make recommendations on uniform and model laws recommended to it by the state commission on uniform state laws.
5. To prepare proposed bills and resolutions for consideration of the succeeding legislative assembly.
6. To call to its assistance other members of the legislative assembly, and it may create committees consisting of its own members, or one or more of its own members and one or more other members of the legislative assembly and delegate by written

resolution to such committees such of its powers and rights as it may deem advisable. Committees of the legislative management may also include nonlegislator members. Any member of the legislative assembly has the right to attend any meeting of the legislative management and may present that member's views on any subject which the legislative management may at any particular time be considering.

7. To issue subpoenas or subpoenas duces tecum in the manner provided in sections 54-03.2-08 and 54-03.2-09. Committees of the legislative management may issue subpoenas and subpoenas duces tecum in the same manner if specifically authorized by the legislative management. Failure to obey a subpoena issued by the legislative management, or one of its committees, is contempt.
8. To control the use of the legislative chambers and permanent displays in memorial hallway. Guidelines may be established pursuant to this subsection and the legislative council shall administer any guidelines that are established.
9. To determine access to legislative information services and impose fees for providing legislative information services and copies of legislative documents. This authority may not be exercised in a manner that contravenes access to legislative documents as otherwise provided by law.

#### **54-35-02.1. Legislative audit and fiscal review committee.**

For the purposes of studying and reviewing the financial transactions of this state; to assure the collection and expenditure of its revenues and moneys in compliance with law and legislative intent and sound financial practices; and to provide the legislative assembly with formal, objective information on revenue collections and expenditures for a basis of legislative action to improve the fiscal structure and transactions of this state, the legislative management shall appoint the legislative audit and fiscal review committee. The members of the committee must be appointed in the same manner as other members of interim committees of the legislative management.

#### **54-35-02.2. Powers and duties of the legislative audit and fiscal review committee.**

The legislative audit and fiscal review committee shall study and review audit reports as selected by the committee from those submitted by the state auditor, confer with the auditor and deputy auditors in regard to such reports, and when necessary, confer with representatives of the department, agency, or institution audited in order to obtain full and complete information in regard to any and all fiscal transactions and governmental operations of any department, agency, or institution of the state. Each department, agency, or institution shall furnish to the committee such aid, information, and assistance in regard to fiscal transactions and governmental operations as it may from time to time request. Whenever the committee may determine or have reason to believe that there may have been a violation of law relating to the receipt, custody, or expenditure of public funds by any state officer or employee, the committee shall present such evidence or information as may be in its possession to the attorney general. The attorney general shall receive and accept such evidence or information and shall immediately commence such additional investigation as the attorney general determines necessary. Upon completion of the investigation, if the evidence supplied by the committee and through the investigation indicates the probability of a violation of law by any state official or employee, the attorney general immediately shall prosecute such official or employee as provided by law. The legislative management, through its committee on legislative audit and fiscal review, or such persons as may be directed or employed by the legislative council, is authorized, within the limits of legislative appropriations, to make such audits, examinations, or studies of the fiscal transactions or governmental operations of departments, agencies, or institutions of the state as the legislative management may determine necessary.

#### **54-35-02.3. Employee benefits programs committee - Appointment - Selection of chairman.**

The legislative management, during each biennium, shall appoint an employee benefits programs committee in the same manner as the legislative management appoints other interim

committees. The legislative management shall appoint seven members of the house of representatives and six members of the senate to the committee. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees.

**54-35-02.4. Employee benefits programs committee - Powers and duties.**

1. The employee benefits programs committee shall consider and report on those legislative measures and proposals over which it takes jurisdiction and which affect, actuarially or otherwise, the retirement programs of state employees or employees of any political subdivision, and health and retiree health plans of state employees or employees of any political subdivision. The committee shall make a thorough review of any measure or proposal which it takes under its jurisdiction, including an actuarial review. The committee shall take jurisdiction over any measure or proposal that authorizes an automatic increase or other change in benefits beyond the ensuing biennium which would not require legislative approval. The committee must include in the report of the committee a statement that the proposal would allow future changes without legislative involvement. The committee shall report its findings and recommendations, along with any necessary legislation, to the legislative management and to the legislative assembly.
2. To carry out its responsibilities, the committee, or its designee, may:
  - a. Enter contracts, including retainer agreements, with an actuary or actuarial firm for expert assistance and consultation. Each retirement, insurance, or retiree health insurance program shall pay, from its retirement, insurance, or retiree health benefits fund, as appropriate, and without the need for a prior appropriation, the cost of any actuarial report required by the committee which relates to that program.
  - b. Call on personnel from state agencies or political subdivisions to furnish such information and render such assistance as the committee may from time to time request.
  - c. Establish rules for its operation, including the submission and review of proposals and the establishing of standards for actuarial review.
3. The committee may solicit draft measures and proposals from interested persons during the interim between legislative sessions, and may also study measures and proposals referred to it by the legislative assembly or the legislative management.
4. A copy of the committee's report concerning any legislative measure shall, if that measure is introduced for consideration by a legislative assembly, be appended to the copy of that measure which is referred to a standing committee.
5. A legislative measure affecting a public employees retirement program, public employees health insurance program, or public employee retiree health insurance program may not be introduced in either house unless it is accompanied by a report from the committee. A majority of the members of the committee, acting through the chairman, has sole authority to determine whether any legislative measure affects a program.
6. Any amendment made during a legislative session to a legislative measure affecting a public employees retirement program, public employees health insurance program, or public employee retiree health insurance program may not be considered by a standing committee unless it is accompanied by a report from the employee benefits programs committee.
7. Any legislation enacted in contravention of this section is invalid and of no force and effect, and any benefits provided under such legislation must be reduced to the level current prior to enactment.

**54-35-02.5. Administrative rules committee.**

The legislative management, during each biennium, shall appoint an administrative rules committee in the same manner as the legislative management appoints other interim

committees. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees. The membership of the administrative rules committee must include at least one of the members who served during the most recently completed regular session of the legislative assembly from each of the standing committees of either the house of representatives or the senate.

**54-35-02.6. Rules reviewed by administrative rules committee - Committee responsibility.**

The administrative rules committee shall review administrative rules adopted under chapter 28-32. The committee shall consider oral and written comments received concerning administrative rules. The committee shall study and review administrative rules and related statutes to determine whether:

1. Administrative agencies are properly implementing legislative purpose and intent.
2. There is dissatisfaction with administrative rules or with statutes relating to administrative rules.
3. There are unclear or ambiguous statutes relating to administrative rules.

The committee may make rule change recommendations to the adopting agency and may make recommendations to the legislative management for the amendment or repeal of statutes relating to administrative rules. The committee's failure to review proposed rules prior to publication in the North Dakota Administrative Code does not prevent rules from taking effect. Except for action pursuant to section 28-32-17 or 28-32-18, the recommendations or opinions of the committee do not affect the legality of any rule as determined by the attorney general.

**54-35-02.7. Water topics overview committee - Duties.**

The legislative management, during each interim, shall appoint a water topics overview committee in the same manner as the legislative management appoints other interim committees. The committee must meet quarterly and is responsible for legislative overview of water topics and related matters, the Garrison diversion project, and for any necessary discussions with adjacent states on water topics. The committee shall work collaboratively with the state water commission and may meet with the state water commission. The committee shall report on the committee's project prioritization process, provide updates on allocated program expenditures, and report on the fund balances of projects, grants, and contracts. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees.

**54-35-02.8. Legislative ethics committee.**

The legislative management, during each biennium, shall appoint an ethics committee to consider or prepare a legislative code of ethics. The committee may recommend legislation relating to legislative ethics. The committee shall operate according to the laws and procedures governing the operation of other legislative management interim committees.

**54-35-03. State departments, officers, and employees to cooperate.**

Each department, board, commission, agency, officer, or employee in the state government shall furnish such information and render such assistance to the legislative council and to the legislative management as the legislative council or the legislative management or its committees may from time to time request.

**54-35-04. Meetings - When held - How called - Quorum.**

The legislative management or committee appointed by it, may sit at such time and place as it may deem advisable, but the legislative management shall meet at least once in each year and shall meet at any time upon the call of the chairman or a call signed by seven members of the legislative management. At any meeting of the legislative management, seven members

constitute a quorum and a majority of such quorum has the authority to act in any matter falling within the jurisdiction of the legislative management.

**54-35-05. Governor sending messages to meetings.**

The governor may send messages to such meetings of the legislative management as the governor determines advisable.

**54-35-06. Officers - Accept funds - Expenditures.**

The legislative management shall select a chairman and a vice chairman from its own members and may prescribe its own rules of procedure. The legislative management may appoint a secretary who need not be a member, and shall appoint a director who must be in charge of the legislative council and who must be paid such salary as the legislative management may determine. The director may employ such persons and obtain the assistance of such research agencies as determined necessary. The director may use available funds for salary adjustments to assist with staff recruitment, retention, and recognition of exceptional performance. The legislative management and the legislative council may accept and use any funds made available through the terms of any agreement made with any agency whatsoever for the accomplishment of the purpose of this chapter. Expenditures of funds made available by legislative appropriation must be made in accordance with rules or motions duly approved by the legislative management.

**54-35-07. Records - Reports.**

The legislative management shall keep minutes of its meetings and a record of all its transactions and shall at the beginning of each biennial legislative session, and may at any other time, make a report of its activities and recommendations to the members of the legislative assembly and to the governor.

**54-35-08. Recommended legislation may be required in advance.**

The legislative management may require that any recommendation for legislation, which is to be presented by any department, board, commission, agency, officer, official, or employee of the state desiring the consideration of the legislative management, be presented to it at least sixty days in advance of any regular legislative session.

**54-35-09. Recommendations - When made public - Distribution.**

The recommendations of the legislative management must be completed and made public prior to any session of the legislative assembly at which such recommendations are to be submitted; and a copy of the recommendations must be distributed to each member-elect of the legislative assembly, to each elective state officer, and to the state law library.

**54-35-10. Compensation of members and leadership.**

1. The members of the legislative management and the members of any committee of the legislative management are entitled to be compensated for the time spent in attendance at sessions of the legislative management and of its committees at the rate of one hundred seventy-seven dollars per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the legislative management is entitled to receive an additional five dollars for each day spent in attendance at sessions of the legislative management and of its committees, and the chairman of each of the legislative management's committees is entitled to receive five dollars for each day spent in attendance at sessions of the legislative management or of the committee which the person chairs.

**54-35-11. Preparation for and assistance to legislative assembly - Custody of equipment - Approval of delayed vouchers.**

The legislative council, on behalf of the legislative assembly, may make all necessary arrangements before each legislative session for the procurement of necessary supplies, equipment, services other than the employment of legislative employees, building space, or any other preparations or arrangements the legislative council determines necessary or desirable to be made before the commencement of each legislative session in order to facilitate the proper convening and operation of the legislative assembly. The legislative council shall act as the custodial agency to ensure the proper storage and safekeeping of legislative supplies and equipment during the interim periods between legislative sessions, and may approve vouchers on behalf of the legislative assembly for the payment from legislative appropriations of delayed billings or other billings for legislative expenses during periods when the legislative assembly is not in session. The legislative council shall carry out such duties or projects and provide such service and assistance to the legislative assembly or its committees, the legislative management or its committees, and members of the legislative assembly as may be requested by concurrent resolution of the legislative assembly or determined necessary or desirable in assisting the legislative assembly or the legislative management in meeting its responsibilities and carrying out its duties during the legislative session or the interim between sessions.

**54-35-12. Legislative budget analyst and auditor.**

The legislative management shall appoint a legislative budget analyst and auditor. A person is not eligible for the appointment unless the person holds a baccalaureate degree from a recognized institution of higher learning, is a certified public accountant, or has had five years' experience in government accounting. The appointment of the legislative auditor must be based upon qualifications of eligible persons without reference to partisan politics. The salary of the legislative budget analyst and auditor must be determined by the legislative council and it may employ additional persons as necessary to carry out sections 54-35-12 through 54-35-14.

**54-35-13. Personnel - Compensation - Expenses.**

The salaries, travel, and other expenses of the legislative budget analyst and auditor and other personnel within the legislative budget analyst and auditor's office must be submitted, approved, and paid in the same manner as other employees of the legislative council.

**54-35-14. Powers and duties of legislative budget analyst and auditor.**

The legislative budget analyst and auditor shall attend all budget hearings carried on by the executive budget officer and shall have access to all budget material submitted to, and all studies carried on by, the executive budget officer. The legislative budget analyst and auditor shall analyze the executive budget when prepared, with special reference to sources of revenue, trends in governmental spending and finance, policies followed and inconsistencies in such policies, and proposed new or substantially expanded or reduced areas of spending and prepare a report of that analysis for the legislative assembly. The legislative budget analyst and auditor shall report thereon to the appropriations committees of the senate and house of representatives in joint meeting and shall perform such services for such committees during the legislative session as they shall reasonably request. The legislative audit and fiscal review committee may call upon the legislative budget analyst and auditor for such assistance as it may deem necessary in the analysis of any audit submitted to such committee. Each department, institution, and agency shall furnish such records and information to the legislative budget analyst and auditor as requested by the legislative budget analyst and auditor in the performance of official duties.

**54-35-15. Information technology program - Staff - Powers and duties.**

1. The legislative council shall provide information technology research and staff services to the legislative branch. The services must be provided in accordance with the existing statutory authority of the legislative council and within the framework of its other staff services.

2. The legislative council shall provide information technology services, may hire such staff as are necessary, and set compensation for any additional staff within the limits of legislative appropriations.
3. The legislative council shall structure the provision of information technology services and assistance to the legislative assembly and shall receive such cooperation and assistance from other state agencies as the council reasonably may request.

**54-35-15.1. Information technology committee - Appointment.**

The legislative management, during each biennium, shall appoint an information technology committee in the same manner as the legislative management appoints other interim committees. The legislative management shall appoint six members of the house of representatives and five members of the senate to the committee. The chief information officer of the state is an ex officio, nonvoting member of the committee. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees.

**54-35-15.2. Information technology committee - Powers and duties.**

The information technology committee has continuing existence and may meet and conduct its business during the legislative session and in the interim between sessions. The committee shall:

1. Meet at least once each calendar quarter.
2. Receive a report from the chief information officer of the state at each meeting.
3. Review the business plan of the information technology department.
4. Review macro-level issues relating to information technology.
5. Review the activities of the information technology department.
6. Review statewide information technology standards.
7. Review the statewide information technology plan.
8. Review information technology efficiency and security.
9. Review established or proposed information technology programs and information technology acquisition by the executive and judicial branches.
10. Except as provided in subsection 11, receive and review information, including a project startup report summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout report summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, from the information technology department and the affected agency regarding any major information technology project of an executive branch agency. For the purposes of this subsection, a major project is a project with a total cost of five hundred thousand dollars or more.
11. a. Receive and review information, including a project startup report summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout report summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, from the state board of higher education regarding any major project of the state board of higher education or any institution under the control of the state board of higher education if the project:
  - (1) Significantly impacts the statewide wide area network, including the campus access routers;
  - (2) Impacts the statewide library system; or
  - (3) Is an administrative project. An administrative project is a project that directly collects, aggregates, modifies, stores, or reports institutional student, financial, or human resources records or data and is provided primarily for administrative purposes.
- b. For the purposes of this subsection, a major project is a project with a total cost of five hundred thousand dollars or more.

12. Receive and review information from the information technology department and the affected agency regarding any information technology project of an executive branch agency with a total cost of between one hundred thousand and five hundred thousand dollars as determined necessary by the information technology department.
13. Receive a report from the chief information officer regarding the recommendations of the state information technology advisory committee relating to the prioritization of proposed major information technology projects and other information technology issues.
14. Receive and review information, including a project startup report summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout report summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, from the affected legislative or judicial branch agency regarding any information technology project of the legislative or judicial branch with a total cost of five hundred thousand dollars or more.
15. Receive information from the state board of higher education regarding higher education information technology planning, services, and major projects.

**54-35-15.3. Information technology project quality assurance - Information technology committee review - Suspension of funds.**

The information technology committee may review any information technology project or information technology plan. If the committee determines that the project or plan is at risk of failing to achieve its intended results, the committee may recommend to the office of management and budget the suspension of the expenditure of moneys appropriated for a project or plan. The office of management and budget may suspend the expenditure authority if the office of management and budget agrees with the recommendation of the committee.

**54-35-15.4. Information technology committee - Information technology reviews.**

The information technology committee may request the state auditor to conduct an information technology compliance review. The review may consist of an audit of an agency's information technology management, information technology planning, compliance with information technology plans, and compliance with information technology standards and policies or an audit of statewide compliance with specific information technology standards and policies.

**54-35-16. Authority to determine if legislative assembly meets.**

The legislative management may issue a call for the legislative assembly to convene after it has adjourned under subsection 2 of section 54-03-02. The length of a legislative session called under this section may not exceed the number of natural days available under the constitution which have not been used by that legislative assembly. The legislative management may exercise this authority, and the legislative assembly shall meet, regardless of whether the motion to close the regular session of the legislative assembly was to recess to a time certain, adjourn to a time certain, or adjourn sine die.

**54-35-17. Retention of legal counsel.**

When the legislative assembly is in session, either house by resolution may authorize, or both houses by concurrent resolution may direct, the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when determined necessary or advisable to protect the official interests of the legislative branch. When the legislative assembly is not in session, the legislative management, by a majority vote, may authorize the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when determined necessary or advisable to protect the official interests of the legislative branch. Section 54-12-08 does not apply to a person appointed or retained under this section.

**54-35-18. Energy development and transmission committee.**

The legislative management, during each biennium, shall appoint an energy development and transmission committee in the same manner as the legislative management appoints other interim committees. The legislative management shall appoint six members of the house of representatives, four of whom must be from the majority political party and two of whom must be from the minority political party, and six members of the senate, four of whom must be from the majority political party and two of whom must be from the minority political party. The chairman of the legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees. The committee shall study the impact of a comprehensive energy policy for the state and the development of each facet of the energy industry, from the obtaining of the raw natural resource to the sale of the final product in this state, other states, and other countries. The study may include the review of and recommendations relating to policy affecting extraction, generation, processing, transmission, transportation, marketing, distribution, and use of energy.

**54-35-18.1. Electric industry competition committee - Composition.**

Expired under S.L. 2003, ch. 36, § 20.

**54-35-18.2. Electric industry competition committee - Study areas.**

Expired under S.L. 2003, ch. 36, § 21.

**54-35-18.3. Electric industry competition committee - Recommendations.**

Expired pursuant to S.L. 1999, ch. 467, § 3.

**54-35-19. Use of fees - Appropriation.**

All fees received by the legislative council and the legislative assembly for providing legislative information services and copies of legislative documents must be deposited in the legislative services fund in the state treasury. The legislative services fund is a revolving fund with an authorized ceiling of two hundred fifty thousand dollars. All moneys transferred into the fund, moneys deposited in the fund, and earnings on moneys in the fund are appropriated to the legislative council for use in improving and enhancing legislative information services and the preparation of legislative documents. The fund is not subject to section 54-44.1-11.

**54-35-20. National conference of insurance legislators - Appointment of representatives.**

The chairman of the legislative management, in consultation with the insurance commissioner, shall appoint two members of the house of representatives and two members of the senate to represent the state at functions of the national conference of insurance legislators. Each member shall serve a two-year term. If a member is unable to complete the member's term, the chairman of the legislative management shall appoint another member to complete the term. The insurance commissioner shall pay the necessary expenses of the legislative members for attending functions of the national conference of insurance legislators.

**54-35-21. No Child Left Behind Act of 2001 - Interim committee - Appointment - Duties.**

Repealed by S.L. 2007, ch. 162, § 18.

**54-35-22. Workers' compensation review committee.**

1. During each interim, a legislative management's interim workers' compensation review committee must be appointed as follows: two members of the senate appointed by the majority leader of the senate of the legislative assembly; one member of the senate appointed by the minority leader of the senate of the legislative assembly; two members of the house of representatives appointed by the majority leader of the house of representatives; and one member of the house of representatives appointed

by the minority leader of the house of representatives. The chairman of the legislative management shall designate the chairman of the committee. The committee shall operate according to the laws and procedures governing the operation of other legislative management interim committees. The committee may recommend legislation relating to workers' compensation. The committee shall meet once each calendar quarter or less often if the committee chairman determines a meeting that quarter is not necessary because there are no claims to review.

2. The committee shall review workers' compensation claims that are brought to the committee by injured workers for the purpose of determining whether changes should be made to the laws relating to workers' compensation. A claim may not be reviewed by the committee unless workforce safety and insurance has issued a final determination and either the injured worker has exhausted the administrative and judicial appeals process or the period for appeal has expired. In order for the committee to review a claim, the injured worker must first sign a release of information for constituent authorization to allow the committee and legislative council to review the injured worker's workforce safety and insurance records and to allow the committee members and workforce safety and insurance representatives to discuss the records in an interim committee hearing. Notwithstanding any open meeting requirements, except as otherwise provided under this section, the workforce safety and insurance records of an injured worker whose case is reviewed by the committee are confidential. However, pursuant to the constituent's authorization, information contained in the records may be discussed by the committee members and workforce safety and insurance representatives in an interim committee hearing.
3. The committee shall accept testimony of an injured worker and of a representative designated by the injured worker. After the committee has received the testimony of the injured worker and the injured worker's representative, the committee shall request that workforce safety and insurance provide testimony.

**54-35-23. Committee on tribal and state relations - Membership - Duties.**

1. The committee on tribal and state relations is composed of seven members as follows:
  - a. A chairman designated by the chairman of the legislative management;
  - b. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives; and
  - c. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate.
2. The committee shall meet at such times and places as determined by the chairman. The legislative council shall provide staffing for the committee.
3. The committee shall conduct joint meetings with the North Dakota tribal governments' task force to study tribal-state issues, including government-to-government relations, human services, education, corrections, and issues related to the promotion of economic development. After the joint meetings have concluded, the committee shall meet to prepare a report on its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative management.
4. The members of the committee are entitled to compensation from the legislative council for attendance at committee meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
5. a. The North Dakota tribal governments' task force is composed of six members as follows:
  - (1) The executive director of the Indian affairs commission, or the executive director's designee;

- (2) The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;
  - (3) The chairman of the Spirit Lake Tribe, or the chairman's designee;
  - (4) The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, or the chairman's designee;
  - (5) The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and
  - (6) The chairman of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, or the chairman's designee.
- b. If the executive director of the Indian affairs commission or any of the tribal chairmen appoint a designee to serve on the task force, only one individual may serve as that designee during the biennium. A substitute designee may be appointed by the executive director of the Indian affairs commission or a tribal chairman in the event of the death, incapacity, resignation, or refusal to serve of the initial designee.

**54-35-24. (Effective through August 1, 2017) Commission on alternatives to incarceration.**

1. The commission on alternatives to incarceration is composed of:
  - a. Three members appointed by the governor, one of whom must be an academic researcher with specialized knowledge of criminal justice sentencing practices and sentencing alternatives;
  - b. The attorney general or the attorney general's designee;
  - c. Two members appointed by the chief justice of the supreme court;
  - d. The director of the department of corrections and rehabilitation;
  - e. The director of the department of human services;
  - f. Two local law enforcement officers appointed by the attorney general;
  - g. One state's attorney appointed by the North Dakota state's attorneys' association;
  - h. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives;
  - i. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate; and
  - j. One representative of the North Dakota association of counties appointed by the association of counties.
2. The chairman of the legislative management shall select the chairman and vice chairman of the commission from the legislative members of the commission.
3. The commission shall meet at the times and places as determined by the chairman. The legislative council shall provide staffing for the commission.
4. The commission shall study sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues. If the commission determines that consultant services are necessary to assist the commission in conducting its assigned studies, the commission may request funding for consultant services from the legislative council and other interested entities. The commission shall provide to the governor information and recommendations for the governor's consideration in time for inclusion of the recommendations in the biennial executive budget. The commission shall report its findings and recommendations together with any legislation required to implement those recommendations to the legislative management.
5. The members of the commission who are not state employees or members of the legislative assembly are entitled to mileage and expenses as provided by law for state officers and employees. Unless otherwise provided in this subsection, the expenses of appointed members are to be paid by the legislative council. A state employee who is a member of the commission must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency. The members

of the commission who are members of the legislative assembly are entitled to compensation from the legislative council for attendance at commission meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

**54-35-25. Legislative promotional expenses.**

The legislative management shall establish a policy regarding promotional expenses made on behalf of the legislative assembly. Any expenditure made pursuant to this section must be reported to the legislative management. An expenditure under this section may not be construed as a gift for purposes of section 18 of article X of the Constitution of North Dakota.

**54-35-26. Legislative interim committee review of economic development tax incentives.**

The legislative assembly enacts economic development tax incentives with the intent to encourage businesses to locate, grow, and remain in the state; to enhance employment opportunities for citizens; and to foster the most advantageous direction, diversity, and growth of the state economy. The legislative assembly requires systematic, detailed analysis of enacted economic development tax incentives to assure that incentives are, and will continue, serving the intended purposes in a cost-effective and equitable manner consistent with the intent of the legislative assembly. To serve this intent and requirement:

1. During each interim, the legislative management shall assign to a legislative management interim committee study responsibility that includes completing the analysis of economic development tax incentives as provided in this section and reporting its findings and any associated recommended legislation to the legislative management.
2. The legislative management interim committee assigned the study responsibility under this section shall analyze each incentive, applying considerations relevant to the perceived goals of the incentive, including any or all of the following:
  - a. The extent of achievement of the goals of the incentive and whether unintended consequences have developed in its application.
  - b. Whether the design and application of the incentive can be improved.
  - c. The extent of complementary or duplicative effect of other incentives or governmental programs.
  - d. Whether the incentive has a positive influence on business behavior or rewards business behavior that is likely to have occurred without the incentive.
  - e. The effect of the incentive on the state economy, including the extent of primary sector operation of the recipient and any competitive disadvantage imposed or benefit conferred on other state businesses, any benefit or burden created for local government, and the extent of the incentive's benefit that flows to out-of-state concerns.
  - f. The employment opportunities generated by the incentive and the extent those represent career opportunities.
  - g. Whether the incentive is the most effective use of state resources to achieve desired goals.
  - h. If the committee's analysis of the incentive is constrained by lack of data, whether statutory or administrative changes should be made to improve collection and availability of data.
3. The legislative management interim committee assigned the study responsibility under this section may examine economic development tax incentives, shall complete analysis of the state-imposed tax aspects of the incentives it designates for analysis during the interim, and shall approve a plan to provide that each of the economic development tax incentives listed in this subsection is subject to a complete analysis within each six-year period. The interim committee may include in its recommendations any amendments to this section, including amendments to add or remove incentives from the list of incentives subject to analysis under this subsection.

Analysis must be completed for state-imposed tax aspects of economic development tax incentives, including each of the following:

- a. Renaissance zone credits and exemptions.
  - b. Research expense credit.
  - c. Agricultural commodity processing facility investment credit.
  - d. Biodiesel fuel production facility construction or retrofit credit, biodiesel fuel blending credit, and biodiesel fuel equipment credit.
  - e. Seed capital investment credit.
  - f. Wage and salary credit.
  - g. Internship program credit.
  - h. Microbusiness credit.
  - i. Angel fund investment credit.
  - j. Workforce recruitment credit.
  - k. Soybean or canola crushing facility construction or retrofit credit.
  - l. Manufacturing automation equipment credit.
  - m. New or expanding business exemption.
  - n. Manufacturing and recycling equipment sales tax exemption.
  - o. Coal severance and conversion tax exemptions.
  - p. Oil and gas gross production and oil extraction tax exemptions.
  - q. Fuel tax refunds for certain users.
  - r. New jobs credit from income tax withholding.
  - s. Any economic development tax incentive created by the sixty-fourth legislative assembly.
4. By October first of each odd-numbered year, the interim committee assigned the study responsibility under this section shall determine and approve:
- a. The economic development tax incentives under subsection 3 which will be designated for analysis during that interim and a plan to provide for analysis of the remaining economic development tax incentives under subsection 3 within the six-year period.
  - b. The perceived goals of the legislative assembly in creating or altering each incentive designated for analysis, for use as a baseline for committee analysis of the incentive.
  - c. The data and testimony that will be required to conduct an effective analysis of each incentive designated for analysis.
5. The department of commerce, tax commissioner, economic development foundation, and any other state agency or instrumentality shall provide data and analysis as requested by the interim committee conducting the analysis under this section.
- a. If data is not available, the entity requested to provide the information shall advise the committee how the data could be obtained and the estimated cost of obtaining the data.
  - b. If data is available but cannot be shared with the committee, the entity requested to provide the information shall explain the reason and whether there are options that could be used to obtain the data or an adequate substitute for the data.
6. The interim committee conducting the analysis under this section shall report its findings and recommendations together with any legislation required to implement those recommendations to the legislative management.