

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL

November 12-13, 1998

Roughrider Room and House Chamber, State Capitol
Bismarck, North Dakota

Senator Gary J. Nelson, Chairman, called the meeting to order at 9:00 a.m. in the Roughrider Room.

Members present: Senators Gary J. Nelson, Layton Freborg, Karen K. Krebsbach, Tim Mathern, Larry J. Robinson, Wayne Stenehjem, Jim Yockim; Representatives John Dorso, Wesley R. Belter, Merle Boucher, Lois Delmore, Eliot Glassheim, Pam Gulleason, Mike Timm, Francis J. Wald

Members of the State Board of Higher Education present: J. H. "Jack" Hoeven, Beverly J. Clayburgh, William B. Isaacson, Joe C. Peltier, Jeanette M. Satrom, Jonathan Sickler

Others present: See attached appendix

LEGISLATIVE COUNCIL VACANCY

Chairman Nelson said a vacancy on the Legislative Council existed due to the death of the late Representative Bill Oban. He said North Dakota Century Code (NDCC) Section 54-35-01 provides a vacancy on the Legislative Council is to be filled by selection of another member of the Legislative Assembly belonging to the same faction as the member originally appointed, and the selection is to be made by the remaining members of the Legislative Council from the house with the vacancy. He announced that he had been notified that the House members had selected Representative Lois Delmore to fill this vacancy.

It was moved by Senator Yockim, seconded by Representative Glassheim, and carried on a voice vote that the selection of Representative Lois Delmore by the House members of the Legislative Council be approved.

JOINT MEETING WITH STATE BOARD OF HIGHER EDUCATION AND GOVERNOR

Chairman Nelson acknowledged the presence of Mr. Bill Goetz, Chief of Staff, Governor's office, who was representing Governor Edward T. Schafer at this meeting. He thanked the members of the State Board of Higher Education for agreeing to meet at this time, which coincides with the biennial meeting of the Legislative Council. He said NDCC Section 15-10-14.2 requires the State Board of Higher Education to meet with the Legislative Council and Governor annually to present a progress report regarding the

long-term goals and objectives of the University System. He welcomed legislators and newly elected members of the Legislative Assembly to the meeting.

Chairman Nelson called on Mr. Goetz for remarks. Mr. Goetz thanked the members of the board and the Legislative Council for their presence. He said he looks at this meeting as providing positive dialogue in search for answers necessary for the future of the University System. He said we need to develop a system sensitive to the needs of today and tomorrow. He said the Governor believes the results of the vote on measure No. 1 should not be used as an excuse to maintain the current system. He said we need to continue to search for methods to improve the system.

Chairman Nelson called on Mr. J. H. "Jack" Hoeven, President, State Board of Higher Education. Mr. Hoeven thanked the members in attendance. He said working together we can accomplish what needs to be done.

University System Strategic Plan

Chairman Nelson called on Mr. Larry Isaak, Chancellor, North Dakota University System, to present the six-year strategic plan of the University System. Mr. Isaak distributed the *North Dakota University System Strategic Plan 1998-2004* and the *North Dakota University System Strategic Plan 1998-2004 1998 Progress Report*. A copy of the plan and the report is on file in the Legislative Council office.

Mr. Isaak said the Bush Foundation funded a study of higher education in this state in 1986. As a result of that study, he said, the State Board of Higher Education established the University System in 1990, the Legislative Assembly enacted the strategic planning law, and the University System developed the strategic plan. He said he asked representatives of the campuses to attend this meeting because it is important that those individuals be aware of the dialogue at the meeting.

Mr. Isaak said a major challenge to the system is providing the access the people appear to want due to their vote on measure No. 1, while maintaining quality through keeping talented faculty and staff and maintaining facilities. He urged caution in engaging in more commissions and studies without reviewing the Bush report and the strategic six-year plan developed

as a result of that report. If there is to be a new planning structure put in place, he said, it should be focused on a single issue rather than a general review of higher education.

Mr. Isaak presented the 1998 progress report. He reviewed the vision statement of the North Dakota University System:

The vision for the North Dakota University System is to be a *high-quality, high-access* public higher education system where people have the opportunity to receive the education necessary to be professionally and personally successful.

Mr. Isaak reviewed the three mission statements and seven goals of the University System. He said the system and the campuses have strategies for each goal.

Goal 1 - Education Excellence

Mr. Isaak reviewed examples of system and campus strategies and accomplishments to attain education excellence. Examples are dedicating funds to the Student Progress and Achievement Research Cooperative to provide information on student flow within the system; reallocating funds on every campus to increase faculty and staff salaries by five percent; requiring requests from campuses for establishing programs to include specific measurable outcomes; and establishing partnerships with Great Plains Software and Mayville State University and Valley City State University to offer information technology tracks in the computer science and business majors.

Goal 2 - Technology and Access

Mr. Isaak reviewed examples of system and campus strategies and accomplishments to emphasize enhanced uses of technology to improve access to programs. An example of a system strategy is to develop a virtual university. Examples of campus strategies and accomplishments include Bismarck State College offering six courses on-line, Minot State University delivering courses on-line, and North Dakota State College of Science transmitting courses to five southeast North Dakota high schools via interactive television.

In response to a question from Senator Nelson concerning the dual credit system, Mr. Mike Hillman, Vice Chancellor, Academic Affairs, said the dual enrollment program creates opportunities for talented students to obtain college credit during high school attendance. He said most students are enrolled in English composition courses, which are college curriculum level courses. He said the campuses administer the program differently, and the University System is working on guidelines for creating similarities among the campuses.

In response to a question from Representative Guleson, Mr. Hillman said most of the instruction is in high school through either distance learning or high

school teachers who are qualified to teach college level courses.

Goal 3 - Relevant Programs

Mr. Isaak reviewed examples of system and campus strategies and accomplishments to align programs with student interests and with current and future needs of businesses, communities, and the state. Examples of system strategies and accomplishments are the annual meeting with business and industry leaders and collaboration with the Greater North Dakota Association in providing a program at the annual business conference that has a strong emphasis on the educational needs of business and industry. Examples of campus strategies and accomplishments are implementation of advisory committees at Dickinson State University, MSU-Bottineau, North Dakota State College of Science, and UND-Williston to help in forming curriculum and keeping programs oriented toward meeting needs of potential employers.

In response to a question from Representative Wald, Mr. Isaak said board policy is that four-year schools will not offer two-year programs. He said local businesses have requested these programs be available and the strategic plan provides for the board to review this policy.

Representative Wald said he served on an advisory council a few years ago at Dickinson State University when its heavy equipment operator program was being established. He cautioned that university representatives on councils not lose the focus on the needs of the community when advising the local institution. Mr. Isaak said the work by the Greater North Dakota Association with respect to work force training will have exciting results.

Goal 4 - Leadership in Research

Mr. Isaak reviewed examples of system and campus strategies and accomplishments in providing leadership in research. An example of a system strategy is to convene a forum of campus research leaders to make recommendations to the board on how the University System can continue to improve its role as the research/development engine for North Dakota. An example of a campus strategy is North Dakota State University pursuing collaborative research and development activities with the University of North Dakota.

Goal 5 - Learning Environment

Mr. Isaak reviewed examples of system and campus strategies and accomplishments in providing an up-to-date learning environment. Examples include updating campus master plans, maintaining facilities, improving administration of office services, providing universal network access throughout the Mayville State University campus, and continuing

improvement of the North Dakota State University campus network.

Goal 6 - Documented Performance

Mr. Isaak reviewed examples of system and campus strategies and accomplishments to document the performance of the University System. Examples included establishing a systemwide planning and accountability function with the system office to implement the Bush report recommendations and requesting the Legislative Assembly to continue to provide flexibility in allocating resources.

Senator Mathern inquired what process is in place so there is a sharing of data during the evaluation process rather than at the end of the process. Mr. Isaak said there are a number of councils that meet regularly and can review progress.

Representative Boucher reiterated Mr. Isaak's statement that there needs to be focus on where the University System is heading. He said the state has been subjected to a barrage of statements in the last few years saying we are moving to a negative situation, e.g., in 10 years the state's population will be 580,000. He said this has created two schools of thought—look at the infrastructure and reduce it to adjust to 580,000 residents or look at the infrastructure and make efforts to grow to take advantage of the full capacity of that infrastructure. He inquired whether the University System favors either approach. Mr. Isaak said all of these activities should be viewed as favoring the approach of Growing North Dakota. He said demographics suggest lower population but more concentration of population in certain areas of the state. He said the University System needs to look at the needs of those areas. He noted that 30 percent of the out-of-state students stay in North Dakota and 60 percent of the in-state students stay in North Dakota. He said students will come to this state for education if there are quality programs.

Representative Dorso said the board is responsible for running the universities, and the Legislative Assembly is responsible for allocating taxpayer funds. He said the Legislative Assembly is interested in ensuring that public money is well spent. He emphasized that if the University System has performance standards, the standards should be relevant to the mission of the particular institution involved. He urged the board to define a system of rewards and recognition for performance. He said he does not see this type of system in place. He said he favors reallocating funds to recognize merit by faculty. Mr. Isaak said he appreciated the comments supporting recognizing performance through pay. He said there needs to be incentive for people to take risks, but others need to recognize that there will be failures if risks are encouraged. He said there needs to be thought as to how to treat people who take risks and make mistakes. Representative Dorso said the problem arises when a surprise is discovered, not when a risk

is taken. Mr. Isaak said any overview needs to be balanced with the costs or impact of that overview. He said he is not interested in establishing the University System office as an audit function office that reviews every action by university personnel.

Representative Boucher agreed that risk takers should not be scapegoats. He said encouragement of risk taking, however, should not be viewed as allowing the same mistakes to be repeated again and again. Mr. Isaak said there needs to be an improved flow of information among the campuses, between the campuses and the board, and between the board and the campuses.

Mr. Hoeven said the board is aware of risks and because public dollars are involved, risk taking is a slow and cautious process.

Goal 7 - Collaboration

Mr. Isaak gave examples of system and campus strategies and accomplishments to improve education opportunities through collaboration. Examples include common course numbering for lower division courses and offering of courses on one campus by other institutions.

General Discussion

Senator Robinson inquired what plans are in place to promote positive achievements of the institutions and the University System. Mr. Isaak said one of the strategies in the six-year plan is to develop a six-year marketing plan for institutions. He said the position to be filled to develop this plan has remained vacant because of the 95 percent budget directive.

Senator Mathern inquired as to the ownership of the plan. Mr. Isaak said the board approved the plan and the "ownership" is a joint ownership of the board and the campus presidents. He said the plan has not received a lot of visibility.

Senator Stenehjem inquired whether the board is going to take a position on the impact of the vote on measure No. 1. Mr. Isaak noted that all recommendations of the Bush report can be implemented without the approval of measure No. 1. He said there has been discussion in some quarters as to the need for a plan for higher education. He emphasized that there is a plan so the question becomes the purpose behind current demands for a plan. Senator Nelson said calls for a plan may continue to be made until a plan is developed which meets the specific views of persons demanding a plan.

Chairman Nelson asked for concluding remarks.

Mr. Goetz said one conclusion from this meeting is that we have made progress in opening lines of communication and understanding issues of various parties involved. He said higher education is a critical component of the state's economy. He urged all participants to approach the issues in a statesmanlike manner.

Representative Dorso said events that have happened over the past two years have resulted in the board's responsibility being more defined. He said the board is responsible for making decisions, and the Legislative Assembly will work with the board.

Chairman Nelson adjourned the joint meeting and recessed the Legislative Council meeting. Chairman Nelson reconvened the Legislative Council at 1:00 p.m. in the House chamber.

OPENING REMARKS

Chairman Nelson called the meeting to order. The Legislative Council viewed an audiovisual tribute to the late Representative Bill Oban, a member of the Legislative Council who died as the result of injuries suffered in a motor vehicle accident when he was returning from chairing an interim committee meeting.

Chairman Nelson welcomed everyone to the meeting. He explained that all newly elected members were also invited and that he was pleased to see so many people in attendance. He introduced the Legislative Council members and recognized current members of the Legislative Assembly who will not be returning as members of the 56th Legislative Assembly. He said the committee chairmen will present the reports of their committees and the Legislative Council staff members who served the committee will assist the chairmen in handling questions. He said only members of the Legislative Council may make motions or vote, but any legislator or legislator-elect in attendance may ask questions concerning the reports.

Chairman Nelson announced that copies of the report of the State Employees Compensation Commission were available and Mr. Rod Backman, Director, Office of Management and Budget, who served as chairman of the State Employees Compensation Commission, would be available if any legislator had a question concerning the report.

Chairman Nelson called on Mr. John D. Olsrud, Director, Legislative Council, who said 23 committee reports would be presented during the meeting. He said the committees are recommending a total of 74 measures (61 bills and 13 resolutions) compared to the 84 measures recommended to the 55th Legislative Assembly. He said the bills and resolutions recommended by the committees and approved by the Legislative Council will be available in the bill room shortly after the organizational session in early December and will be available through the legislative branch web site on the Internet.

INTERIM COMMITTEE REPORTS

Budget Section

Representative Jack Dalrymple, Chairman, Budget Section, presented the Budget Section's report. He said the Budget Section received reports from the Office of Management and Budget on the status of the state general fund. He said the Budget Section

approved nonresident tuition rates proposed by the Board of Higher Education. He said the Budget Section recommends a bill to eliminate the Budget Section approval requirement. He said the Budget Section authorized the expenditure of funds for capital projects at the Williston Research Extension Center, the University of North Dakota, and North Dakota State University. He said the Budget Section recommends a bill to authorize the University of North Dakota to construct a building for use as a university bookstore. He said the Budget Section recommends a resolution authorizing legislative hearings required for receipt of federal block grant funds. He said the Budget Section considered and approved 94 requests for increased spending authority or transfers of spending authority which were approved by the Emergency Commission.

It was moved by Senator Robinson, seconded by Representative Belter, and carried on a roll call vote to accept the report of the Budget Section. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, Stenehjem, and Yockim and Representatives Belter, Delmore, Glassheim, and Timm voted "aye." No negative votes were cast.

Budget Committee on Long-Term Care

Senator Aaron Krauter, Chairman, Budget Committee on Long-Term Care, presented the committee's report. He said the committee studied basic care rate equalization, home and community-based service availability, qualified service provider training, geropsychiatric services, American Indian long-term care needs and access to appropriate services, and long-term care financing issues relating to the development of alternative services and the feasibility of a managed-care system. He said the committee also monitored the implementation of Alzheimer's and related dementia population projects and an expanded case management system.

It was moved by Senator Mathern, seconded by Senator Freborg, and carried on a roll call vote to accept the report of the Budget Committee on Long-Term Care. Senators Nelson, Freborg, Mathern, Robinson, Stenehjem, and Yockim and Representatives Dorso, Belter, Delmore, Gulleason, and Tim voted "aye." No negative votes were cast.

Budget Committee on Human Services

Senator Tim Mathern, Chairman, Budget Committee on Human Services, presented the committee's report. He said the committee studied the Department of Human Services organizational structure and the responsibilities of county social service agencies as distinguished from the responsibilities of regional human service centers and the Department of Human Services in the provision of services to children and their families and persons with disabilities, including the elderly.

It was moved by Senator Mathern, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Budget Committee on Human Services. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, Stenehjem, and Yockim and Representatives Delmore, Glassheim, Gulleon, and Timm voted "aye." No negative votes were cast.

Welfare Reform Committee

Senator Jim Yockim, Chairman, Welfare Reform Committee, presented the committee's report. He said the committee monitored the Department of Human Services' implementation of welfare reform efforts and tribal welfare reform issues.

It was moved by Senator Yockim, seconded by Senator Stenehjem, and carried on a roll call vote to accept the report of the Welfare Reform Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, Stenehjem, and Yockim and Representatives Dorso, Belter, Delmore, Glassheim, and Timm voted "aye." No negative votes were cast.

Legislative Audit and Fiscal Review Committee

Representative Mike Timm, Chairman, Legislative Audit and Fiscal Review Committee, presented the committee's report. He said the committee reviewed state agency activities to ensure that collection and expenditure of revenues and moneys were made in compliance with the law, legislative intent, and sound financial practices. He said the committee received 78 audit reports, and an additional 81 were filed with the committee but were not formally presented.

It was moved by Representative Timm, seconded by Senator Mathern, and carried on a roll call vote to accept the report of the Legislative Audit and Fiscal Review Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, Stenehjem, and Yockim and Representatives Dorso, Belter, Boucher, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Budget Committee on Government Finance

Senator David E. Nething, Chairman, Budget Committee on Government Finance, and Mr. Allen H. Knudson, Senior Fiscal Analyst, presented the committee's report. Senator Nething said the committee studied the current budget process, the state's investment process, and transportation funding. He said the committee also monitored the status of state agency appropriations.

It was moved by Senator Robinson, seconded by Representative Delmore, and carried on a roll call vote to accept the report of the Budget Committee on Government Finance. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, Stenehjem, and Yockim and Representatives Dorso, Belter, Boucher, Delmore, Glassheim, and Timm voted "aye." No negative votes were cast.

Budget Committee on Government Services

Representative Janet Wentz, Chairman, Budget Committee on Government Services, presented the committee's report. She said the committee monitored mental health and foster care services; received a report from the Department of Human Services on hiring of additional full-time equivalent positions at the human service centers, State Hospital, and Developmental Center; and received a report from the Office of Management and Budget on state employee compensation issues.

It was moved by Senator Krebsbach, seconded by Representative Glassheim, and carried on a roll call vote to accept the report of the Budget Committee on Government Services. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Stenehjem and Representatives Dorso, Belter, Boucher, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Information Technology Committee

Senator Robinson, Chairman, Information Technology Committee, presented the committee's report. He said the committee studied emerging technology and evaluated its impact on the state's system of information technology. He said the committee recommends three bills—one to establish an information technology department; one to establish a Legislative Council Information Technology Committee; and one to limit state and political subdivision liability for failure to become year 2000 compliant.

It was moved by Senator Robinson, seconded by Representative Glassheim, and carried on a roll call vote to accept the report of the Information Technology Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Stenehjem and Representatives Dorso, Belter, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Legislative Management Committee

Representative Dorso, Chairman, Legislative Management Committee, presented the committee's report. He said the committee exercised many responsibilities in making arrangements for the 56th Legislative Assembly. He said the committee recommends several legislative rules changes to improve the efficiency of the legislative process; recommends revision of the supplementary rules of operation and procedure of the Legislative Council to reflect traditional practices; approved upgrades in personal computers used by legislators and Legislative Assembly staff; approved renovation of the front desk area and new carpet and chairs in both chambers; and recommends a concurrent resolution directing a Legislative Council study of legislative redistricting.

It was moved by Representative Dorso, seconded by Representative Timm, and carried on

a roll call vote to accept the report of the Legislative Management Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Stenehjem and Representatives Dorso, Belter, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Administrative Rules Committee

Representative LeRoy G. Bernstein, Chairman, Administrative Rules Committee, presented the committee's report. He summarized the rules review activities of the committee. He said the committee considered motions to void five sets of administrative rules submitted by agencies—one motion was not approved by the committee, one motion was approved but withdrawn after receiving further information from the agency, in two cases the adopting agency agreed with the committee on amendments to satisfy committee concerns, and in one instance a rule adopted on a trial basis by an agency was voided and the agency did not seek review of the decision. He reviewed five bills recommended by the committee relating to administrative rulemaking.

It was moved by Senator Robinson, seconded by Senator Mathern, and carried on a roll call vote to accept the report of the Administrative Rules Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Stenehjem and Representatives Dorso, Belter, Boucher, Delmore, Timm, and Wald voted "aye." No negative votes were cast.

Taxation Committee

Representative Wesley R. Belter, Chairman, Taxation Committee, presented the committee's report. He said the committee studied the impact of tax-exempt property on school districts, taxation and regulatory incentives for the lignite industry to improve its competitive position in the energy marketplace, the property tax exemption for charitable organizations, feasibility and desirability of providing property tax relief through alternative state and local revenue sources, assessment of agricultural property and inundated lands, and application of the farm building property tax exemption. He described nine bills recommended by the committee.

It was moved by Representative Belter, seconded by Senator Freborg, and carried on a roll call vote to accept the report of the Taxation Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Stenehjem and Representatives Dorso, Belter, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Education Services Committee

Senator Ray Holmberg, Chairman, Education Services Committee, presented the committee's report. He said the committee studied the desirability of requiring a core curriculum to be taught in all grades throughout the state. He said the committee

examined the curriculum standards employed by other states and concluded that if this state would require any kind of a standardized curriculum, it would also have to require implementation of an assessment mechanism. He said the committee received reports regarding the assignment of county superintendent duties, the provision of home education to children with autism, training programs for teachers and administrators developed cooperatively by the leadership in educational administration development consortium and teacher learning centers, and the coordination of statewide access to work force training programs. He said the committee's major effort was directed at rewriting those Title 15 provisions that relate to elementary and secondary education. He said the committee recommends two bills related to rewriting Title 15 and a resolution for a Legislative Council study to complete the rewrite of Title 15 next interim.

It was moved by Senator Robinson, seconded by Representative Delmore, and carried on a roll call vote to accept the report of the Education Services Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Stenehjem and Representatives Dorso, Belter, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Electric Utilities Committee

Representative Al Carlson, Chairman, Electric Utilities Committee, presented the committee's report. He said the committee studied the impact of competition on the generation, transmission, and distribution of electric energy within this state. He said the committee reviewed electric industry restructuring initiatives in other states, federal restructuring initiatives, electric utility taxation in other states, the Territorial Integrity Act, and the year 2000 computer problem as it affects the state's electric utility industry. He said the committee also received information from an electric industry taxation task force formed by the committee to determine areas of common agreement and consider possible changes to current electric utility taxation.

It was moved by Senator Robinson, seconded by Senator Krebsbach, and carried on a roll call vote to accept the report of the Electric Utilities Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Stenehjem and Representatives Dorso, Belter, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Chairman Nelson recessed the meeting at 5:50 p.m. and reconvened the Legislative Council at 9:00 a.m. on Friday, November 13, 1998.

Education Finance Committee

Senator Layton Freborg, Chairman, Education Finance Committee, presented the committee's report. He said the committee studied education

finance, including state support for school construction, transportation and special education formulas, and funding sources other than property taxes. He said the committee reviewed state demographic trends and determined that the reduction in children and taxpayers will lead to school consolidations and closures. He said the committee examined school district boundary restructuring, the causes for school district decline, and the potential benefits of restructuring. He said the committee recommends a bill to require that before July 1, 2002, each school district in the state must offer all educational grade levels from 1 through 12 or become attached, through reorganization or dissolution, to a district that does offer those grade levels; recommends a \$15 million increase in the coal development trust fund loan limit; and recommends a bill to allow the withholding of state aid if a school district fails to make full and timely payments on its evidences of indebtedness.

It was moved by Senator Freborg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Education Finance Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Yockim and Representatives Belter, Boucher, Delmore, Glassheim, Gulleon, Timm, and Wald voted "aye." No negative votes were cast.

Judiciary Committee

Representative William E. Kretschmar, Vice Chairman, Judiciary Committee, presented the committee's report. He said the committee studied charitable gaming laws and rules to determine whether the laws and rules regarding taxation, enforcement, limitation, conduct, and play of charitable gaming are adequate and appropriate; the feasibility and desirability of funding the office of the clerk of district court through the unified judicial system, the issues and problems associated with the continued implementation of court unification, and the effective provision of judicial services to the citizens of the state; and the level of and remedies for discrimination in this state. He said the committee also reviewed uniform laws recommended to the Legislative Council by the Commission on Uniform State Laws and undertook statutory and constitutional revision responsibilities. He said the committee also studied the authority of the Attorney General to enter contingent fee agreements with private attorneys and conducted public hearings on statewide primary and general election ballot measures.

It was moved by Representative Delmore, seconded by Senator Mathern, and carried on a roll call vote to accept the report of the Judiciary Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Yockim and Representatives Belter, Boucher, Delmore, Glassheim, Gulleon, Timm, and Wald voted "aye." No negative votes were cast.

Employee Benefits Programs Committee

Representative Francis J. Wald, Chairman, Employee Benefits Programs Committee, presented the committee's report. He said the committee has jurisdiction over legislative measures affecting retirement, health insurance, and retiree health insurance programs of public employees. He said the committee received a report from the Office of Management and Budget and the Public Employees Retirement System on pension portability. He said the committee also studied public employee health insurance benefits.

It was moved by Representative Wald, seconded by Representative Krebsbach, and carried on a roll call vote to accept the report of the Employee Benefits Programs Committee. Senators Nelson, Freborg, Krebsbach, Mathern, and Robinson and Representatives Belter, Boucher, Delmore, Glassheim, Gulleon, Timm, and Wald voted "aye." No negative votes were cast.

Garrison Diversion Overview Committee

Representative Pam Gulleon, Chairman, Garrison Diversion Overview Committee, presented the committee's report. She said the committee received updates concerning the project from representatives of the Garrison Diversion Conservancy District, State Water Commission, the United States Bureau of Reclamation, and the United States Fish and Wildlife Service. She said the committee received information on the Dakota Water Resources Act of 1998, updates on Devils Lake flooding, and information on the promised payment plan. She said the committee also studied the establishment of watershed districts to manage water based on watershed boundaries.

It was moved by Representative Gulleon, seconded by Senator Krebsbach, and carried on a roll call vote to accept the report of the Garrison Diversion Overview Committee. Senators Freborg, Krebsbach, Mathern, Robinson, and Yockim and Representatives Dorso, Belter, Delmore, Glassheim, Gulleon, Timm, and Wald voted "aye." No negative votes were cast.

Advisory Commission on Intergovernmental Relations

Senator Tony Grindberg, Chairman, Advisory Commission on Intergovernmental Relations, presented the commission's report. He said the commission studied the restructuring of county governments and received reports from recipients of local government efficiency planning grants.

It was moved by Representative Glassheim, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Advisory Commission on Intergovernmental Relations. Senators Freborg, Krebsbach, Mathern, Robinson, and Yockim and Representatives Dorso, Belter,

Delmore, Glassheim, Gulleson, Timm, and Wald voted "aye." No negative votes were cast.

Commerce and Agriculture Committee

Senator Duane Mutch, Chairman, Commerce and Agriculture Committee, presented the committee's report. He said the committee studied economic development functions in the state and the availability of affordable housing. He said the committee received reports from Job Service North Dakota relating to administrative, statutory, and unemployment insurance tax structure changes that may be proposed by Job Service for consideration by the 56th Legislative Assembly and reviewed the current laws and rules regarding animal confinement feeding operations in the state. In addition, he said, the committee received a report regarding the annual evaluation of research activities and expenditures by the Agriculture Research Board; the annual report of the State Board of Animal Health; the annual report of the Department of Economic Development and Finance regarding loan performance and performance of the department; a report from the Workers Compensation Bureau regarding its safety audit of Roughrider Industries work programs and its performance audit of the modified workers' compensation program; a report from the Workers Compensation Bureau regarding its study of wage-loss benefits structure; a report from the State Board for Vocational and Technical Education regarding its progress in coordinating statewide access to work force training programs; and a report of the Agricultural Experiment Station regarding the study of the feasibility and desirability of industrial hemp production in the state.

It was moved by Senator Robinson, seconded by Representative Glassheim, and carried on a roll call vote to accept the report of the Commerce and Agriculture Committee. Senators Nelson, Krebsbach, Mathern, Robinson, and Yockim and Representatives Dorso, Belter, Boucher, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Child Support Committee

Representative Eliot Glassheim, Chairman, Child Support Committee, presented the committee's report. He said the committee studied the provision of child support services and child care licensing in the state and whether child support services and child care licensing can be more effectively provided and, if so, by which government entity. He said the committee also studied the issues of fairness and equity as they relate to child support guidelines and the issuance and enforcement of child custody and visitation orders.

It was moved by Representative Glassheim, seconded by Senator Mathern, and carried on a roll call vote to accept the report of the Child Support Committee. Senators Nelson, Freborg,

Krebsbach, Mathern, Robinson, and Yockim and Representatives Belter, Delmore, and Glassheim voted "aye." No negative votes were cast.

Insurance and Health Care Committee

Senator Karen K. Krebsbach, Chairman, Insurance and Health Care Committee, presented the committee's report. She said the committee studied emergency medical services; the development of the strategic planning process for the future of public health in the state; the effects of managed care on the future viability of the health care delivery system in rural North Dakota; and the feasibility and desirability of implementing hail suppression programs for the reduction of property damage in urban and rural areas. She said the committee also received reports from the Commissioner of Insurance relating to the progress of the partnership for long-term care program and executive reports regarding the status of the children's health insurance program state plan.

It was moved by Senator Krebsbach, seconded by Representative Timm, and carried on a roll call vote to accept the report of the Insurance and Health Care Committee. Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, and Yockim and Representatives Belter, Delmore, Timm, and Wald voted "aye." No negative votes were cast.

Criminal Justice Committee

Representative Merle Boucher, Chairman, Criminal Justice Committee, was unavailable so Mr. Timothy J. Dawson, committee counsel, presented the committee's report. He said the committee studied the awareness of, prevention of, treatment of, effects of, and deterrents to child sexual abuse; sexual offenses; programs to prevent crime and delinquency and reduce incarceration; and the prevention of and dispositional alternatives to juvenile crime with a focus on services offered to American Indian children.

It was moved by Senator Mathern, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Criminal Justice Committee. Senators Nelson, Freborg, Krebsbach, Mathern, and Robinson and Representatives Belter, Delmore, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

Regulatory Reform Review Commission

Representative Mick Grosz, Chairman, Regulatory Reform Review Commission, presented the commission's report. He said the commission studied extended area service and the Federal Telecommunications Act of 1996 and its effects on universal service and competition. He said the commission plans to meet after the Legislative Council meeting.

It was moved by Representative Glassheim, seconded by Representative Timm, and carried on a roll call vote to accept the report of the

Regulatory Reform Review Commission. Senators Nelson, Freborg, Krebsbach, Mathern, and Robinson and Representatives Belter, Glassheim, Timm, and Wald voted "aye." No negative votes were cast.

CONCLUDING REMARKS

Chairman Nelson said the recommendations of the interim committees show that the Legislative Assembly is studying problems in depth and is making recommendations toward solutions.

Chairman Nelson noted the past policy of the Council in allowing individual legislators to be named on Legislative Council measures. He referred to the report of the Legislative Management Committee which recommended discontinuance of the policy.

Adoption of the report by the Council discontinues the policy.

Chairman Nelson thanked the Legislative Council staff for their support and assistance to members of the Legislative Council, legislators, and the legislative process.

No further business appearing, Chairman Nelson adjourned the meeting at 12:15 p.m. on Friday, November 13, 1998.

John D. Olsrud
Director

ATTACH:1