

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE MANAGEMENT

Monday, May 20, 2013
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Ray Holmberg, Dwight Cook, Joan Heckaman, Dave Oehlke, Larry J. Robinson, Mac Schneider, Ronald Sorvaag, Rich Wardner; Representatives Al Carlson, Chuck Damschen, Bill Devlin, Ron Guggisberg, Brenda Heller, Marvin E. Nelson, Kenton Onstad, Mark S. Owens

Member absent: Representative Jim Schmidt

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

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

It was moved by Senator Robinson, seconded by Senator Schneider, and carried on a voice vote that the minutes of the May 4, 2013, meeting be approved as distributed.

Chairman Holmberg welcomed the attendees and outlined the procedure to be followed. He said there are 69 studies under consideration--10 of which are required and 59 are discretionary studies. He said during the 2011-12 interim there were 43 studies prioritized, during the 2009-10 interim there were 63 studies prioritized, 53 studies were prioritized during the 2007-08 interim, and 44 studies were prioritized during the 2005-06 interim. He said his goal is to have 40 or fewer studies for this interim; therefore, around 30 to 35 of the discretionary studies should be approved.

He said the procedure he planned to follow was to take up the various studies for consideration and to place them on lists to be approved, not approved, or in a "hold" category for further consideration. He said at the end of the day the Legislative Management will take a recorded roll call vote on those discretionary studies that are to be approved. He said Mr. Jay E. Buringrud, Legal Services Division Director, Legislative Council, will be categorizing the studies for consideration of an interim committee structure. He said last interim there were 26 committees and 25 committees in the 2009-10 interim.

Chairman Holmberg called on the director of the Legislative Council to review the documents that had been distributed and to make some announcements.

The director indicated that the purpose of today's meeting was to prioritize the studies for the 2013-14 interim and with approximately 25 to 26 interim committees, the number of studies prioritized should be around 40. He indicated the 63rd Legislative Assembly created two new statutory committees--the Education Funding and Higher Education Funding--and there are 12 statutorily established or recognized committees. Each member had a binder that included the studies to be considered arranged by bill or resolution number. In addition, a worksheet was distributed which members could use to indicate the committee's action as studies are reviewed. He said the agenda also includes establishment of the membership of the Budget Section for the 2013-14 interim to allow the committee to meet before June 30, and consideration of a motion authorizing the chairman to prepare a committee structure and to send questionnaires to members of the Legislative Assembly regarding committee preferences. He said the Legislative Management will determine the actual committee membership for the selected committees at its June 10, 2013, meeting. The information regarding committee preferences will be sent by e-mail to all legislators. In addition, he said, the Legislative Management should consider the 2015 Legislative deadlines, including the meeting of the 2014 Organizational Session and the start date for the 64th Legislative Assembly.

Chairman Holmberg reviewed each of the proposed studies in the document listing the studies numerically. The Legislative Management then proceeded to discuss each study, including the merits and reasons for proposed studies. Consideration was given as to whether to approve or not approve each study on the listing. The following is a chart listing the Legislative Management's final action on each of the 69 studies:

Yes	No	Hold	Bill or Resolution No.	Subject Matter (Committee)
X			1013 § 58	(Required study - Required appointment of Education Funding Committee) Study to examine and clarify state-level and local-level responsibility for the equitable and adequate funding of elementary and secondary education in this state
X			1026 § 7	(Required study) Continues the study of North Dakota Century Code provisions that relate to agriculture for the purpose of recommending changes to laws that are found to be irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction

Yes	No	Hold	Bill or Resolution No.	Subject Matter (Committee)
X			1034 § 1	(Required study) Study health care reform options, including the implementation of the federal Affordable Care Act if the federal law remains in effect and state alternatives for state-based health care reform if the federal law is repealed
X			1051 § 1	(Required study - Required to be conducted by Workers' Compensation Review Committee) Study the Workforce Safety and Insurance preferred provider program created under Sections 65-05-28.1 and 65-05-28.2 (Workers' Compensation Review Committee)
X			1132 § 1	(Required study - Required to be conducted by the Advisory Commission on Intergovernmental Relations) Study the feasibility and desirability of making political subdivision budget information accessible on the state budget database website and finding better ways to inform taxpayers regarding political subdivision budget or levy deliberations and regarding legislative property tax relief (Advisory Commission on Intergovernmental Relations)
X			1198 § 8	(Required study) Study the likely changes to oil industry practices, production, impacts, and tax policy in the foreseeable future, with the Legislative Management to obtain the services of an independent consultant with demonstrated insight into current and future production advances, including use of carbon dioxide and water or other means of enhancing production; effects of mature production areas on state and local tax policy; future infrastructure needs; and environmental considerations
X			1206 § 2	(Required study) Study to evaluate current water project prioritization processes for effectiveness in determining high-priority water projects for State Water Commission funding
X			2124 § 1	(Required study) Study methods to assure that the legacy fund provides the lasting benefits intended by the voters in enacting the constitutional measure
X			2200 § 3	(Required study - Required appointment of Higher Education Funding Committee) Study higher education funding methods and recommend for the North Dakota University System a new funding method that is not based on existing levels of funding (Higher Education Funding Committee)
X			2314 § 2	(Required study) Study methods to assure that an accurate and reliable means is developed to measure effectiveness and accountability of property tax exemptions and other economic development incentives granted by cities and counties and to determine whether other taxpayers in the city or county ultimately derive a measurable benefit from granting of the incentives
X			4002	Study the feasibility and desirability of community paramedics providing additional clinical and public health services, particularly in rural areas of the state, including the ability to receive third-party reimbursement for the cost of these services and the effect of these services on the operations and sustainability of the current emergency medical services system
	X		4007	Study the growth in use of state False Claims Acts with qui tam provisions in state and local taxation matters and whether that approach is feasible and desirable in North Dakota
	X		4012	Study state alternatives to the statutory and regulatory requirements placed on North Dakota schools and school districts by the United States Department of Education, determine whether there are viable options to achieve the federal government's goals without having the federal government's oversight and involvement, and determine whether the federal fiscal impact is a significant and necessary factor in assenting to the continuance of federal government involvement in this state's educational process
	X		4019	Study early childhood services in the state, including the United States Department of Agriculture's food reimbursement program for early childhood service providers and the income guidelines for the Department of Human Services' child care assistance program
	X		4022	Study the desirability of and the potential process for licensing or certifying mechanical contractors
X			4023	Study whether political subdivisions can become more efficient and effective to reduce costs to taxpayers
X			4030	Study applying property tax rates against true and full value of property
	X		3001	Study issues related to development of group housing and crew camps, including infrastructure demands, health and safety requirements, regulation, and enforcement of regulatory violations
X			3009	Study the use of open textbooks in the North Dakota University System, including options to develop partnerships with other states to use open textbooks
	X		3016	Study the use of natural gas as fuel in motor vehicles

Yes	No	Hold	Bill or Resolution No.	Subject Matter (Committee)
X			3019	Study the property tax system
	X		3021	Study the feasibility and desirability of providing assistance to obtain rural water for households with arsenic and other harmful substances in the well water
	X		3023	Study the feasibility and desirability of creating and encouraging the use of paved bike paths throughout the state
	X		3031	Study special enforcement measures in high-fatality zones on highways in this state
	X		3038	Study the statutory and regulatory requirements placed on North Dakota state government agencies by United States government agencies as a condition of the receipt of federal funding to determine whether there are viable options to meet the needs of our state without having the federal government's oversight and involvement, which state needs can be met if federal funding associated with undesirable regulation or excessive direct and indirect costs are refused, and whether the federal fiscal impact is a significant and necessary factor in assenting to the continuance of federal government involvement in the state's management processes
	X		2003 § 39	Study legal services provided by attorneys in executive branch state agencies; and review of the services provided by attorneys in each agency, supervision of the attorneys in each agency, whether the attorneys are classified as assistant or special assistant attorneys general, and the use of contracted legal services by each agency
	X		2004 § 9	Study funding provided by the state for autopsies and state and county responsibility for the cost of autopsies, including the feasibility and desirability of counties sharing in the cost of autopsies performed by the State Department of Health and the University of North Dakota School of Medicine and Health Sciences
	X		2012 § 17	Study state railroad assistance programs, including a review of existing programs and funding levels and whether the existing programs and funding levels are adequate to meet current industry needs
X			2012 § 18	Study the long-term costs of transportation infrastructure maintenance and improvement projects and methods for funding these projects
	X		2012 § 19	Study potential statutory or administrative changes that could be made to assist parties in the fuel supply chain in complying with federal renewable fuel standards, including compliance with the renewable identification number credits requirements
	X		2012 § 20	Study the use of branch offices by the Department of Transportation, including a review of the structure of agreements with operators of branch offices, the number of motor vehicles registered at each office, the current locations of offices, the quality of data provided by the offices, the staffing needs of the offices, and the fees received by offices for services provided; and review the future use of branch offices, including office locations, alternative uses for facilities, and other changes that may promote efficiencies
X			2015 § 5	Study the use of the structures and property of the James River Correctional Center and the State Hospital to determine the best and most efficient use of the properties
X			2018 § 38	Study child care services, including consideration of the current and potential needs for child care services, the current and potential workforce needs related to child care, and the current quality of child care services
X			2018 § 39	Study the intellectual property policies and procedures at research universities within the state, including consideration of the current and potential income generated through the commercialization of intellectual property, and consideration of the best practices related to intellectual property, the federal Bayh-Dole Act, and the federal Patent Reform Act of 2011
	X		2018 § 40	Study the development of a children's science center in the city where the State Capitol is located, including consideration of the feasibility and desirability of providing state assistance to develop a children's science center
X			2018 § 41	Study the feasibility and desirability of the establishment of an energy corridor in the western portion of the state, including an examination of rights of way and state highway and county road easements necessary for the further development of energy resources in the state, and including the existing and necessary easements required to make United States Highway 85 a four-lane highway corridor to complement the development of energy transportation resources
X			2024 § 2	Study the comprehensive statewide tobacco prevention and control plan used in this state, including a review of the service delivery system for the comprehensive statewide tobacco prevention and control programs provided by the Tobacco Prevention and Control Executive Committee and the State Department of Health, whether the delivery system is fiscally efficient, and how the delivery system is consistent with the Centers for Disease

Yes	No	Hold	Bill or Resolution No.	Subject Matter (Committee)
				Control and Prevention's best practices for comprehensive tobacco control programs; review of the effectiveness of the comprehensive statewide tobacco prevention and control programs provided in the state and ways to improve the health and policy outcomes of the programs; and review of how the comprehensive statewide tobacco prevention and control programs provided by the two agencies address the Native American population on the Indian reservations
	X		2036 § 9	Study development of standard procedures and classification of accounts to provide a means of accumulating financial information that will be uniform for all counties, regardless of their size or various approaches to budgeting and accounting that may be in use, with the objective of achieving uniformity of financial information to guide preparation of financial reports required by law and preparation of management reports on county government performance
X			2036 § 10	Study controlling the growth of property tax levies, with emphasis on consideration of whether the level of property tax relief received by taxpayers has been commensurate with the amount of state funds distributed to benefit political subdivisions and provide property tax relief to taxpayers, the additional cost to the state of state assumption of funding for some social service functions previously funded by counties compared to the actual reduction in property taxes passed through to taxpayers in each county, whether voter approval through referral or levy and budget restrictions should play a greater role in local taxing decisions, and the feasibility of establishing more restrictive statutory property tax limits to manage the growth of property taxes
	X		2072 § 8	Study the availability of raw or unpasteurized milk, for human consumption, in this state, including the nature and extent of governmental oversight with the respect to the safety of the milk; the health of the animals used to produce the milk; and the conditions under which the product is produced, transferred, or obtained
X			2078 § 1	Study the assessment of fees by courts, the feasibility and desirability of combining various court fees, and whether courts should be mandated to impose fees established by statute
	X		2128 § 8	Study the Bank of North Dakota's foreclosure procedures, specifically foreclosure by advertisement
X			2234 § 1	Study Voice over Internet Protocol service and the effect of this service and other technologies on the telecommunications industry, including any desired changes in regulation and taxation
X			2243 § 1	Study behavioral health needs, including consideration of behavioral health needs of youth and adults and consideration of access, availability, and delivery of services
	X		2244 § 1	Study the availability of and access to child care services in the state and the state's role in ensuring available and accessible child care services in the state
X			2279 § 1	Study the benefits and implications on tax policy of the forestry stewardship tax
	X		2339 § 1	Study creation of an inventory of and strategic plan for state, local, and federal programs relating to residential and commercial development and related infrastructure needs, including the option to create a low-interest revolving loan program for municipal infrastructure
X			2340 § 1	Study the sentencing alternatives to incarceration for first-time felony offenses that are nonviolent, excluding the distribution of drugs
X			2344 § 3	Study current state and federal benefits available to North Dakota veterans, including statutory changes that would benefit North Dakota veterans and include therein possible changes to state income taxes and property taxes, the provision of veteran-focused incentives, assistance with obtaining and maintaining benefits, and assistance with obtaining and maintaining various life-enhancing services
X			2353 § 3	Study issues relating to the development of the current radio communication plan, its costs and components, and evolving technologies that will better serve the public
X			2375 § 1	Study home and community-based services in the state, including the need to expand the home and community-based services Medicaid waiver to cover 24-hour emergency assistance, adult companion service, behavioral programming, chore services, customized living services, environmental modifications, and transition modification support
	X		1008 § 4	Study civil penalties assessed and collected by state agencies, including a review of the funds into which the collections are deposited and the appropriateness of the use of funds collected
	X		1008 § 5	Study the feasibility and desirability of constructing a new metrology laboratory

Yes	No	Hold	Bill or Resolution No.	Subject Matter (Committee)
X			1009 § 10	Study the structure of the Milk Marketing Board; its statutory duties; the manner in which it prescribes and regulates producer, distributor, and retail prices throughout the state; the manner in which it investigates and resolves concerns regarding the price and availability of milk throughout the state; any policy or regulatory changes the board has implemented in order to address pricing issues and availability of milk in the western portion of the state; and whether the continued regulation of the Grade A dairy industry is best accomplished by the Milk Marketing Board in its current form and operating under its current statutory directives, whether changes are needed to the board or its statutory directives, and whether there are other methods by which the desired results could be effectively and efficiently achieved
	X		1012 § 14	Study the Developmental Center in Grafton, including future use, reduction in size, and any change of scope for the Developmental Center
X			1012 § 15	Study the immediate needs and challenges of the North Dakota health care delivery system, implementing the Healthy North Dakota initiative, examining Medicaid reform, and the feasibility of developing a plan for a private health care model that will comply with federal health care reform in a manner that will provide high-quality, accessible, and affordable care for North Dakota citizens
X			1012 § 16	Study the need for a comprehensive system of care for individuals with brain injury, including services available to veterans who are returning from wars, the impact of the inclusion of all acquired brain injury on traumatic brain injury programs, the need for a statewide registry for brain injury, the need for increased awareness of the impact of brain injury, the need for screening for brain injury in the education system, the availability of community support systems, the availability of specialized substance abuse services, the examination of the long-term care needs, the availability of home and community-based services, services available from independent living centers, the need for transitional supportive housing, and the suitability of the current level of care determination for brain injury
X			1015 § 37	Study the facility needs of state agencies located in the Bismarck area, including an evaluation of current and projected facility needs of state agencies, facilities on the Capitol grounds currently being used by state agencies, and facilities owned or leased by state agencies that are not located on the Capitol grounds
X			1015 § 38	Study the process of appropriating funds for salaries and wages and the state's classification system, including the feasibility and desirability of appropriating a lump sum amount to each agency for salaries and wages, without identifying specific purposes for the funding and allowing the agency head the flexibility to use the funding as necessary to accomplish the duties and responsibilities of the agency; and the effect of this change on the state's classification and benefits system and on the process of reporting by the agency on its use of the funds to the Legislative Assembly
X			1015 § 39	Study the feasibility and desirability of establishing a maximum state contribution to the cost of state employee health insurance premiums
X			1015 § 40	Study the foundation aid stabilization fund, including anticipated growth in the fund, appropriate funding levels, options for the disposition of excess funding if appropriate funding levels are exceeded, the reallocation of oil extraction taxes currently being deposited in the fund, and the feasibility and desirability of proposing changes to the constitution relating to the foundation aid stabilization fund
	X		1038 § 4	Study autism spectrum disorder services, including the most feasible service delivery system for individuals not served in the developmental disability system who have an autism spectrum disorder
	X		1128 § 3	Study marriage, including the positive influence of marriage on society, children, and government spending; and the use of and the need for marital agreements in the state
X			1154 § 2	Study those provisions of the North Dakota Century Code that relate to professional soil classifiers, including their qualifications and examinations, and the powers and duties of the State Board of Registration for Professional Soil Classifiers, for the purpose of recommending changes to laws that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction
	X		1302 § 23	Study the administrative procedure for driving under the influence of alcohol and drugs, including a review of the use of ignition interlock devices and the effect of an individual refusing to submit to chemical testing

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X			1362 § 3	Study the effects of the federal Patient Protection and Affordable Care Act [Pub. L. 111-148], as amended by the Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152], due to the dramatically changing health care system in the state, including alternatives to the federal Patient Protection and Affordable Care Act and the Medicaid expansion provisions to make health care more accessible and affordable to the citizens of the state, including access, the cost of providing services, the Medicare penalty to the state's providers, and the Medicaid payment system
	X		1424 § 1	Study the feasibility and desirability of participating in the provision of nontraditional healing therapies, including massage, healing touch, reflexology, stress management, yoga, and hyperbaric chamber treatments, for North Dakota veterans, military personnel, and their families; and gather information regarding the needs of women veterans
X			1452 § 16	Study the feasibility and desirability of existing and possible state retirement plans, including an analysis of both a defined benefit plan and a defined contribution plan with considerations and possible consequences for transitioning to a state defined contribution plan. If conducted, the study may not be conducted by the Employee Benefits Programs Committee.
X			1454 § 1	Study how to improve access to dental services and ways to address dental service provider shortages, including the feasibility of utilizing mid-level providers, whether the use of incentives for dental service providers to locate in underserved areas in the state may improve access, and whether the state's medical assistance reimbursement rates impact access to dental services

The committee recessed at 12:00 p.m. and reconvened at 1:00 p.m. for additional consideration of prioritization of studies.

Chairman Holmberg announced that 41 studies had been prioritized of the 69 possible.

It was moved by Senator Robinson, seconded by Senator Heckaman, and carried on a roll call vote that the Legislative Management give approval to the list of studies placed in the approved category. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, Wardner; Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens voted "aye." No negative votes were cast.

It was moved by Senator Robinson, seconded by Representative Carlson, and carried on a roll call vote that the membership of the Budget Section consist of the same membership as last interim--members of the House and Senate Appropriations Committees, the Minority and Majority Leaders and their assistants from both houses, and the Speaker of the House, and that Representative Chet Pollert be temporary chairman. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, Wardner; Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens voted "aye." No negative votes were cast.

The Director explained the 2015 Legislative Deadlines. The deadlines provide for the Organizational Session to be December 1-3, 2014 (Monday-Wednesday) and the 64th Legislative Assembly to begin on Tuesday, January 6, 2015.

It was moved by Senator Robinson, seconded by Representative Carlson, and carried on a roll

call vote that the Legislative Management give approval to the 2015 Legislative Deadlines. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, Wardner; Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens voted "aye." No negative votes were cast.

It was moved by Representative Devlin, seconded by Senator Wardner, and carried on a roll call vote that the Chairman be authorized to prepare a proposed interim committee structure and a questionnaire containing the proposed committee structure and to send the questionnaire to legislators to indicate their preference on interim committees. Senators Holmberg, Cook, Heckaman, Oehlke, Robinson, Schneider, Sorvaag, Wardner; Representatives Carlson, Damschen, Devlin, Guggisberg, Heller, Nelson, Onstad, Owens voted "aye." No negative votes were cast.

Chairman Holmberg announced the next meeting of the Legislative Management would be Monday, June 10, 2013.

It was moved by Senator Robinson, seconded by Representative Devlin, and carried on a voice vote that the meeting be adjourned subject to the call of the chair. Chairman Holmberg adjourned the meeting at 1:40 p.m.

Jim W. Smith
Director

ATTACH:1