

# NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

## LEGISLATIVE COUNCIL

Thursday, May 19, 2005  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 10:00 a.m.

**Members present:** Senators Bob Stenehjem, Dick Dever, Ray Holmberg, Aaron Krauter, Karen K. Krebsbach, Stanley W. Lyson, David O'Connell, Larry J. Robinson; Representatives Rick Berg, Merle Boucher, Al Carlson, Lois Delmore, William R. Devlin, Scot Kelsh, Matthew M. Klein, Joe Kroeber, Chet Pollert

**Others present:** Jay E. Buringrud, Jim W. Smith; Legislative Council, Bismarck

See attached appendix for additional persons present.

**It was moved by Representative Berg, seconded by Senator Holmberg, and carried on a voice vote that the minutes of the April 23, 2005, meeting be approved as distributed.**

Chairman Stenehjem welcomed the attendees and outlined the procedures to be followed. He said although testimony traditionally is not received at this meeting because the bills and resolutions have had hearings during the legislative session, members of the Legislative Council could ask questions of individuals in attendance and persons attending were welcome to respond to those questions.

Chairman Stenehjem called on the director of the Legislative Council to review the documents that had been distributed and to make some announcements. The director reviewed a memorandum entitled [Legislation Enacted in 2005 Directly Affecting the Legislative Council and the Legislative Assembly](#). He said other than a few appointments on the agenda for this meeting, most appointments to be made by the Legislative Council are traditionally made at the next meeting when the members will be approving a committee structure and naming legislators to serve on the various committees. The director said three new statutory committees were created in 2005--an 18-member Commission on Alternatives to Incarceration, a 6-member Workers' Compensation Review Committee, and a 7-member Tribal and State Relations Committee. The director said there are seven additional existing statutory committees--Legislative Audit and Fiscal Review Committee, Employee Benefits Programs Committee, Administrative Rules Committee, Advisory Commission on Intergovernmental Relations, Electric Industry Competition

Committee, Information Technology Committee, and No Child Left Behind Committee. He said there are two other committees that are mentioned in statutes or in bills during the last session which are not statutorily created committees and those are the Budget Section and the Legislative Management Committee, which is also the statutory Ethics Committee. The director said last interim there were 24 committees and this interim there are 12 statutory and traditional committees for the Council to work with.

The director said the Legislative Council may establish a different convening date for the 2007 legislative session. He said unless the Legislative Council selects another date, Tuesday, January 9, 2007, will be the convening date for that session.

The director reported that at this meeting two years previously, the Legislative Council authorized the chairman of the Legislative Council to select an appropriate employee assistance program for legislators for the next biennium.

Regarding the studies to be prioritized for this interim, the director referred to a letter dated May 12 to members of the Legislative Council which described a May 11 memorandum entitled [Studies to Be Considered by the Legislative Council for the 2005-06 Interim](#). He said that memorandum and a May memorandum entitled [Legislative Council Studies and Resolutions for the 2005-06 Interim - Required or to Be Prioritized](#) group similar studies together. He said these memorandums are organized to make it easier for members of the Legislative Council to see when more than one study is called for on a particular subject, although it is acknowledged it may sometimes be harder to find a bill or resolution in the list because they are not in numerical order. He pointed out that each member was provided a three-ring binder in which the bills and resolutions calling for studies are in numerical order. The director said last interim 44 studies were approved.

Chairman Stenehjem announced that he would review proposed studies based upon the memorandum dated May 11, which groups similar studies together. He said he would seek a consensus as to whether the members of the Legislative Council wish to give each study priority. He said he would accept motions if the members wish to decide a particular issue in that manner. He said at the end of the

meeting there would be a roll call vote on the studies for which the members decide to give priority.

In response to a question from Representative Boucher, the director said when bills or resolutions call for similar studies, it is a judgment call as to whether those studies can be combined into one study or whether they require substantially more work than a single study. In response to a question from Representative Carlson, the director said the Legislative Council has statutory authorization to assign studies and to expand existing studies.

Chairman Stenehjem began with consideration of House Bill No. 1473, Section 1, which provides for a required study by an 18-member Commission on Alternatives to Incarceration. He said no action is required because this is a required study.

The Council reviewed House Concurrent Resolution No. 3047 calling for a study of sentencing alternatives with an emphasis on the expanded use of rehabilitation over incarceration, the provisions of more treatment options, and the adequate funding of treatment programs. Senator Krebsbach said this study appears very similar to the study called for in House Bill No. 1473. Chairman Stenehjem announced that this study would be placed in the "no" category.

The Council reviewed Senate Bill No. 2015, Section 12, which provides for a required study by a Department of Corrections and Rehabilitation incarceration and correctional facility needs committee.

The Council reviewed House Bill No. 1015, Section 29, which provides for a study of employee salaries of the Department of Corrections and Rehabilitation. Senator Krauter said this study is needed to look at inequities and to try to find ways to avoid those kinds of inequities in the future. Representative Carlson said he believes this study could be combined with the mandatory study of state employee compensation provided in House Bill No. 1015, Section 28. Senator Robinson said the study of Department of Corrections and Rehabilitation salaries is more specific than the study called for in the other section of House Bill No. 1015. Chairman Stenehjem announced that House Bill No. 1015, Section 29, would be placed in the "middle" category.

Chairman Stenehjem announced that House Bill No. 1523, Section 1, and House Bill No. 1524, Section 1, provide for required studies. House Bill No. 1523, Section 1, provides for a six-member Workers' Compensation Review Committee and House Bill No. 1524, Section 1, provides for a seven-member Tribal and State Relations Committee.

Representative Boucher said he believes the study called for in House Concurrent Resolution No. 3031, relating to state-tribal relations, and the study called for in House Concurrent Resolution No. 3001, calling for a study of the legal and enforcement issues relating to child support collections on Indian reservations, could both be studied under the authority of House Bill No. 1524, Section 1. Chairman Stenehjem

announced that House Concurrent Resolution No. 3031 and House Concurrent Resolution No. 3001 would be placed in the "no" category.

Chairman Stenehjem announced that the studies called for in Senate Bill No. 2001, Section 6, relating to the use of computers and high-speed printers to print bills and resolutions; Senate Bill No. 2001, Section 7, calling for a study for the need for additional legislative committee rooms and to expend available funds for remodeling legislative meeting rooms; Senate Bill No. 2001, Section 8, calling for a study of the appropriateness of increasing the daily compensation for chairmen of substantive standing committee divisions; House Bill No. 1013, Section 16, calling for a study of the state's elementary and secondary education system; and House Bill No. 1434, Section 1, calling for a study of the No Child Left Behind Act of 2001, are required studies.

The Council reviewed House Bill No. 1013, Section 15, calling for a study of the potential for cooperative field service delivery between North Dakota Vision Services - School for the Blind and the School for the Deaf. Senator Robinson recommended giving priority to this study. He said there is merit in considering services these centers provide. He said both of these centers provide similar challenges. Representative Devlin said he believes other studies are of a higher priority. Senator Holmberg said he agrees with Representative Devlin. Chairman Stenehjem said he would place this study in the "middle" category.

The Council reviewed Senate Bill No. 2404, Section 1, calling for a required study of enhanced funding for elementary and secondary education and methods by which the state's reliance on property taxes to fund elementary and secondary education could be reduced.

The Council reviewed Senate Concurrent Resolution No. 4009 calling for a study of school district and library funding sources. Representative Klein said this subject has been looked at before. Representative Devlin said he believes the study called for in Senate Bill No. 2404 covers this subject. He said he believes both Senate Concurrent Resolution No. 4009 and the study called for in Senate Concurrent Resolution No. 4039 relating to a study of state and local taxes and other funding sources to fund elementary and secondary education should be placed in the "no" category. Chairman Stenehjem announced that if there was no further discussion, he would place Senate Concurrent Resolution No. 4009 and Senate Concurrent Resolution No. 4039 in the "no" category.

The Council reviewed Senate Bill No. 2003, Section 23, calling for a study of higher education funding and accountability. Chairman Stenehjem said although this is not a mandatory study, it appears it should be conducted because Section 24 of this bill provides an appropriation of \$175,000 for this study.

Therefore, Chairman Stenehjem announced that he would place this study in the "yes" category.

Chairman Stenehjem announced that the study called for in House Bill No. 1015, Section 28, relating to issues concerning state employee compensation and House Bill No. 1035, Section 1, relating to a government performance and accountability system pilot project, were required studies and would necessitate no further action at this time.

The Council reviewed Senate Bill No. 2023, Section 5, calling for a study of deferred maintenance and infrastructure for all state agencies and institutions. Senator Holmberg said there had been a considerable amount of discussion on this topic during the session and it had been suggested that the study review all agencies and institutions and to compile a list of all the deferred maintenance and long-term infrastructure needs. Representative Berg suggested putting this proposed study in the "middle" category. Chairman Stenehjem announced that he would place this study in the "middle" category.

The Council reviewed House Concurrent Resolution No. 3005, which calls for a study of information identifying state-owned real estate and the utilization of that real estate. Representative Klein said he believes this study is needed. Representative Pollert said there is a need to look at all state-owned real estate so he encourages that this study be conducted. Chairman Stenehjem said he would place this study in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3036 calling for a study of state agency and institution continuing appropriation authority. Representative Carlson said this is an important study as there is considerable interest in reviewing the full-time equivalent positions funded by continuing appropriations. Chairman Stenehjem said he was putting this study in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3016 calling for a study of the delivery of veterans' services by the state and counties. Representative Klein said he believes the subject area of this study has been addressed during the legislative session and he does not believe it is of a high priority. Chairman Stenehjem said without objection he would place this study in the "no" category.

The Council reviewed House Bill No. 1010, Section 12, calling for a required study of the appropriate minimum standard of loss ratio for accident and health insurers. Chairman Stenehjem said there is no need for further action as this is a required study.

The Council reviewed House Concurrent Resolution No. 3013 calling for a study of the causes of and the factors that reduce the severity of motor vehicle crashes. Representative Boucher said he does not believe this study is of a high priority as the information is available. Senator Holmberg agreed that there is a considerable amount of information on the subject

motor vehicle crashes. Chairman Stenehjem said he would place this study in the "no" category.

The Council reviewed Senate Bill No. 2215, Section 1, calling for a study of the feasibility and desirability of private sector employers securing health insurance for permanent and temporary employees through a health insurance pool. Representative Klein said he believes this subject has been studied a number of times and he sees no need to study it again. Senator Krebsbach said there is nothing new to be learned on this subject. Chairman Stenehjem said he would place this study in the "no" category.

The Council reviewed Senate Bill No. 2004, Section 20, calling for a study of the costs and benefits of adopting a comprehensive healthy North Dakota and workplace wellness program. Representative Devlin said he believes the private sector has found various ways to save money with wellness programs. He said he believes this subject is worthy of study. Representative Klein said House Bill No. 1010, Section 11, is similar in that it calls for the study of various factors that might affect the health care system in the state. Chairman Stenehjem said he would place Senate Bill No. 2004, Section 20, and House Bill No. 1010, Section 11, in the "yes" category.

Chairman Stenehjem announced that the study called for in Senate Bill No. 2004, Section 21, relating to the state's public health unit infrastructure, is a required study and requires no further action at this time.

The Council reviewed Senate Bill No. 2004, Section 22, calling for a study of whether to change the guidelines for funding programs as the result of additional tobacco settlement collections. Representative Boucher asked whether the objective of this study would be to look for alternative uses of additional money that is expected from the tobacco settlement. Representative Kroeber said the tobacco money is going to increase and the idea is to study whether to keep the current formula. Representative Devlin said the 10 percent portion of the settlement money used for the community health trust fund is the focus of this proposed study. He said the idea is to determine whether guidelines are needed and to examine whether there are other ways to spend the 10 percent dedicated to health care needs.

Senator Holmberg said he does not believe this study is of a high priority, as he believes these decisions can be made during a legislative session. Chairman Stenehjem said he would place this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3054 calling for a study of state programs providing services to children with special health care needs and Senate Bill No. 2395, Section 4, calling for a study of issues relating to Medicaid and other public funding for the extraordinary health care needs of

children. Senator Robinson said there is considerable interest in these studies. Representative Devlin said he believes House Concurrent Resolution No. 3054 is of a high priority to look at existing programs and he believes that study would be more comprehensive than the study called for in Senate Bill No. 2395, Section 4. Senator Krauter said there are priorities for which we do not have the money and there are many needs that are not being fulfilled. Representative Boucher said he believes the study called for in House Concurrent Resolution No. 3054 is of a high priority. Senator O'Connell agreed that this is a high-priority study area. Chairman Stenehjem announced that he would place House Concurrent Resolution No. 3054 in the "yes" category and the study called for in Senate Bill No. 2395, Section 4, in the "middle" category.

The Council reviewed House Concurrent Resolution No. 3022 calling for a study of data regarding cervical cancer. Representative Devlin said he does not believe the study called for in House Concurrent Resolution No. 3022 and the study called for in House Concurrent Resolution No. 3038, calling for a study of organ and tissue donation, are of a high priority. Chairman Stenehjem said if there is no objection both House Concurrent Resolution No. 3022 and House Concurrent Resolution No. 3038 would be placed in the "no" category.

Chairman Stenehjem announced that the study called for in House Bill No. 1332, Section 3, relating to the pharmacy benefits management industry, is a required study and requires no further action at this time.

The Council reviewed House Bill No. 1459, Section 5, calling for a study of the Medicaid medical reimbursement system. Senator Krebsbach said she believes this is a subject that should be studied. Representative Pollert said the study called for in House Bill No. 1459, Section 5, is of a higher priority than the study called for in House Bill No. 1012, Section 12, which calls for a study of the Department of Human Services system of paying qualified service providers and the study called for in House Bill No. 1012, Section 15, relating to a study of the services provided by residential treatment centers and residential child care facilities. Representative Boucher said he believes the study called for in House Bill No. 1012, Section 15, should be studied. Senator Krauter suggested that the study called for in House Bill No. 1012, Section 15, should be studied and the study called for in House Bill No. 1012, Section 12, should not be given priority.

Chairman Stenehjem announced that he would place the study called for in House Bill No. 1459, Section 5, in the "yes" category; the study called for in House Bill No. 1012, Section 12, in the "no" category; and the study called for in House Bill No. 1012, Section 15, in the "middle" category.

The Council reviewed House Bill No. 1012, Section 14, calling for a study of methods of improving the sustainability of funding long-term care services. Representative Devlin noted this had been the subject of several studies and he said now there are others, such as at Minot State University, who are studying this subject. Senator Krauter said he believes the studies called for in House Bill No. 1012, Section 14, and Senate Concurrent Resolution No. 4030, calling for a study of the delivery of long-term care services, are not needed. Chairman Stenehjem announced that the studies called for in House Bill No. 1012, Section 14, and Senate Concurrent Resolution No. 4030 would be placed in the "no" category.

The Council reviewed Senate Concurrent Resolution No. 4027 calling for a study of the need for dementia-related services. Senator Lyson said dementia is a growing problem and sometime there is going to be a need to look at the problems associated with that condition. Representative Devlin said dementia is part of the study at Minot State University. He noted that a portion of the study relates to legal problems and he believes that could be an important study. Senator Lyson said perhaps this portion of the study could be assigned to a judiciary committee. Senator Krauter said he agrees that legal issues may need to be studied. Representative Carlson said caregivers are doing a great job and he recommends limiting the study to the legal issues. Chairman Stenehjem announced that the study called for in Senate Concurrent Resolution No. 4027 would be placed in the "yes" category but that the study would be limited to legal and medical definitions used for dementia-related conditions.

The Council reviewed the study called for in House Concurrent Resolution No. 3043 relating to supportive housing and services for homeless individuals and families with children. Representative Carlson said he believes the major cities in the state are doing a good job on this subject. Representative Klein said he believes this study should be a low priority. Chairman Stenehjem said he would place this study in the "no" category.

Chairman Stenehjem announced that the study called for in House Bill No. 1198, Section 1, is a required study of reemployment processes and costs and an appropriate method for providing a limitation on the total average number of job-attached unemployment insurance claimants. He said no further action is required on that study at this time.

The Council reviewed Senate Bill No. 2018, Section 9, which calls for a study of the implementation by Job Service North Dakota of a shared work demonstration project. Representative Carlson said this subject was dealt with during the session and he does not believe it is of a high priority. Representative Berg said he believes this proposed study should be set aside at this time, and Chairman Stenehjem

announced he would place this study in the "middle" category.

The Council reviewed House Concurrent Resolution No. 3040, calling for a study of the unemployment insurance tax rate structure. Representative Carlson said he believes this is a crucial study and these rates have an effect on new businesses. He said he believes it is particularly important to look at fields where workers are laid off every year. Chairman Stenehjem announced that he would place this study in the "yes" category.

The Council reviewed House Bill No. 1195, Section 7, calling for a study of the feasibility and desirability of requiring professional employer organizations operating in North Dakota to register with the state. Representative Berg said he believes this is worthy of study. Senator Krebsbach said this is a new profession and should be studied. Chairman Stenehjem announced that he would place this study in the "yes" category.

Chairman Stenehjem announced that the study called for in House Bill No. 1260, Section 1, relating to public improvement contracts and issues relating to the use of multiple bids versus single prime bids is a required study and requires no further action at this time.

The Council reviewed Senate Bill No. 2160, Section 1, calling for a study of administration and enforcement of the State Building Code. Senator Lyson said the state has a good law on this subject and there is no need to study it further. Representative Berg agreed. Chairman Stenehjem announced that he would place this study in the "no" category.

The Council reviewed Senate Bill No. 2032, Section 17, which is a required study of the state's business climate. Chairman Stenehjem announced that as this is a required study, no further action is needed at this time.

Chairman Stenehjem announced that the study called for in Senate Bill No. 2032, Section 18, relating to venture and risk capital, is a required study and requires no further action at this time.

The Council reviewed Senate Concurrent Resolution No. 4033 calling for a study of whether enhancing the quality of child care and increasing access to affordable child care would favorably impact economic development in the state. Representative Kelsh said he believes that this is a huge issue in this state and it would be helpful to have a complete report on this subject. Representative Berg suggested placing this study in the "middle" category. Senator O'Connell said this was a hot issue during the session and he believes the issue is important to new businesses. Chairman Stenehjem stated he would place this study in the "middle" category.

The Council reviewed House Concurrent Resolution No. 3028 calling for a study of utilization of the state's abundant energy resources to attract energy-intensive economic development projects to this state.

Representative Kelsh said he believes this is a way to keep businesses and to attract new ones. Representative Carlson said the Department of Commerce has the responsibility to market these kinds of businesses and he believes the agency can do this under current law. Representative Kelsh said this would give the Electric Industry Competition Committee something to do. Senator O'Connell said this would fit in well with that committee's responsibilities. Representative Berg said he believes the Legislative Council should determine priorities based upon the need for a study and not to find something for a committee to do. Chairman Stenehjem announced that he would place this study in the "middle" category.

The Council reviewed the study called for in House Concurrent Resolution No. 3039 relating to the appropriate level of state-sponsored tourism marketing. Senator Robinson said more can be done on this subject and he supports the study. He said he believes tourism promotion is a leading industry and there is real potential to do more in this area. Representative Carlson said he believes the information provided to the Legislative Assembly on this subject is sufficient, and as the information is available there is no need for a study. Representative Pollert said every local community is studying this issue. Representative Berg suggested setting this study aside. Chairman Stenehjem announced that he would place this study in the "middle" category.

The Council reviewed Senate Bill No. 2390, Section 1, calling for a study of city and county development impact fees. Representative Carlson said there is no need to study this subject as this is not a big issue in this state. Senator Holmberg said he does not believe this proposed study reaches the level of other priorities before the Legislative Council. Chairman Stenehjem announced that he would place this study in the "no" category.

The Council reviewed House Bill No. 1203, Section 11, calling for a study of the current system under which property taxes levied by school districts are abated for the purpose of furthering economic development. Representative Carlson said he believes this study belongs in the "no" category. Representative Berg said the issue evolved over the last decade and local communities have established priorities on this subject. Senator Krebsbach said she believes this study is not necessary. Chairman Stenehjem announced he would place this study in the "no" category.

The Council reviewed House Bill No. 1203, Section 12, calling for a study of the system of local economic developers to determine whether the existing system provides the most effective and efficient system. Senator Krebsbach said this subject has been studied enough. Senator Lyson agreed. Chairman Stenehjem announced he would place this study in the "no" category.

The Council reviewed Senate Concurrent Resolution No. 4031 calling for a study of the feasibility and desirability of adopting the Uniform Trust Code. Senator Krebsbach said this study and the study called for in Senate Concurrent Resolution No. 4032 relating to Revised Article I of the Uniform Commercial Code should be studied. Representative Devlin said the Senate defeated both bills and he does not believe this subject matter is of a high priority. Senator Krebsbach said the financial communities had concerns and she believes these concerns should be addressed during the interim. Representative Berg suggested setting aside both of these studies. Chairman Stenehjem announced that the studies called for in Senate Concurrent Resolution Nos. 4031 and 4032 would be placed in the "middle" category.

The Council reviewed the study called for in House Bill No. 1453, Section 2, relating to the feasibility and desirability of creating an emblem for the use of North Dakota legislators. Senator Holmberg said he believes there is no need to conduct this study. Representative Klein agreed. Chairman Stenehjem announced that he would place the study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3045 calling for a study of the feasibility and desirability of authorizing nonprofit organizations to participate in a government liability self-insurance pool. Representative Boucher said he believes there is merit in this study. He said North Dakota premiums are affected by what happens in other states. He said studying alternatives sends an important message. Representative Devlin said he does not think this study is that important and he believes the Insurance Commissioner could offer alternatives under current law. Chairman Stenehjem announced he would place this study in the "middle" category.

The Council reviewed House Concurrent Resolution No. 3014 calling for a study of judicial elections and recent federal court decisions affecting the conduct of judicial elections. Senator Holmberg said this is a matter for Supreme Court rules and he said the Legislative Assembly does not establish ethics rules for the judicial branch. Senator Krauter said he agreed. Senator Dever said the Chief Justice of the North Dakota Supreme Court sent a letter of support of this study during the legislative session. Representative Berg said the question is whether the legislative branch or the judicial branch should be establishing election procedures and standards. He said the Legislative Assembly has an interest in getting the best qualified candidates for all positions. Representative Carlson said there is a need to have the same standards for all candidates. Chairman Stenehjem announced he would place this study in the "middle" category.

The Council reviewed Senate Bill No. 2372, Section 1, which calls for a required study of the feasibility and desirability of establishing an organization or

ombudsman to support and coordinate federal, tribal, state, including institutions of higher education, and local government and private efforts to discourage destructive behavior, including alcohol and drug abuse and tobacco use. Chairman Stenehjem announced that as this is a required study it requires no further action at this time.

The Council reviewed House Bill No. 1396, Section 1, calling for a study of driving under the influence. Representative Carlson said he believes sufficient information is available on this subject. Representative Klein recommended that this study be placed in the "no" category. Chairman Stenehjem announced that he would place this study in the "no" category.

The Council reviewed Senate Bill No. 2257, Section 1, calling for a study of the feasibility and desirability of creating a diversion program for people who have written bad checks as an alternative to prosecution. Senator Krauter said he does not believe this study is a priority. Chairman Stenehjem announced that if there was no objection, he would place this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3042 calling for a study of the laws of this state and other states as they relate to the unauthorized acquisition, theft, and misuse of personal identifying information. Representative Delmore said this issue has been studied and has been the subject of considerable legislation. In response to a suggestion by Representative Berg that this study be set aside at this time, Senator Lyson questioned why set it aside as there is no reason to conduct this study. Representative Berg responded by saying that this has been a serious issue and as technology is changing he believes the Legislative Assembly needs to keep on top of this subject. Senator Lyson said the federal government has addressed this issue. Representative Berg reported that the loophole regarding the sharing of confidential information between state agencies had been closed this session. Chairman Stenehjem announced that he would place this study in the "middle" category.

The Council reviewed the study called for in Senate Concurrent Resolution No. 4016 relating to the feasibility and desirability of adopting a statewide procedure for conducting missing persons investigations. Senator Lyson said this study is not necessary. Chairman Stenehjem announced that he would place this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3025 relating to the study of issues of fairness and equity as they relate to the issuance and enforcement of child visitation orders. Senator Holmberg said this subject had been the focus of legislative forums in Grand Forks. He said to point out the seriousness of this issue, one person at one of these forums was arrested with a gun at a school in Grand Forks within a week after attending one of these

forums. Representative Carlson said this subject has been studied many times and he sees no need to study it further. Representative Boucher said visitation is a difficult subject and the problems have not been solved. Chairman Stenehjem announced he would place this study in the "middle" category.

The Council reviewed Senate Bill No. 2361, Section 2, calling for a study of the state's marriage laws and methods for strengthening the institution of marriage. Senator Dever noted the role of the family in society and he said that role needs support and he believes this study should be given consideration. Representative Klein said he agreed. Chairman Stenehjem announced that he would place this study in the "yes" category.

The Council reviewed the study called for in House Concurrent Resolution No. 3010 calling for a study of the feasibility and desirability of establishing a state Brownfields law. Representative Devlin said there are needs in several communities and he pointed out problems that have existed in West Fargo and Mandan. Representative Carlson said he believes House Bill No. 1279, which authorizes the State Department of Health to give exemptions to owners for real property contaminated by substances or other pollution or contamination regulated by the department, sufficiently addressed this issue. He said that bill related to the problems in the city of Mandan. Senator Krauter suggested placing this proposed study in the "middle" category. Chairman Stenehjem announced that he would place the study in the "middle" category.

The Council reviewed the study called for in Senate Bill No. 2115, Section 1, relating to the process to negotiate and quantify reserved water rights. Representative Boucher said he believes this is an important subject and should be studied. Representative Klein said he agrees. Chairman Stenehjem announced that he would place this study in the "yes" category.

The Council reviewed Senate Bill No. 2113, Section 1, calling for a study of issues related to hunting and fishing privileges by nonresidents and nonresidents who are former residents. Representative Carlson said he does not believe this subject should be given priority for study. Senator Lyson said he does not believe this subject should be studied, although he expressed concern about fee hunting on nonresidents' land. Chairman Stenehjem announced that he would place this study in the "no" category.

The Council reviewed Senate Concurrent Resolution No. 4037 calling for a study of the laws pertaining to fences located outside cities. Representative Devlin said no one has looked at the fence laws for many years. Senator Lyson said the laws are excellent and he had experience with this subject in his prior career. He said the law is very clear and there is no need for further study. Senator Krauter said he does not believe this subject is of a high priority for

study. Senator O'Connell said he agrees that the law is clear on the subject of fences and he does not believe this subject should be studied. Chairman Stenehjem announced he would place this study in the "no" category.

Chairman Stenehjem announced that the Council would take up the matter of appointments as listed in the tentative agenda. He said the first item on the agenda calls for appointment of members of the Budget Section and the naming of the temporary chairman of the Budget Section. He said he had placed this item on the agenda because he believes there may be a need for the Budget Section to meet before the Legislative Council's next meeting at which time the interim committee appointments will be made. However, he said, it has come to his attention that members of the Budget Section were named at the organizational session and therefore that membership can continue until the Legislative Council formalizes appointments at the next meeting, and there is therefore no need to further address that issue at this time.

Chairman Stenehjem said the next appointment listed on the agenda relates to the Admissions Committee for the Veterinary Medical Education Program at Kansas State University as provided in 2005 House Bill No. 1397. He reported the members of the Legislative Council had received a letter from the Legislative Council director dated May 13, 2005, in which it is pointed out this committee needs to begin working as soon as possible so students can be selected for the next school year. Enclosed with that letter are copies of a letter received from the North Dakota Veterinary Medical Association and a letter from Chancellor Robert L. Potts providing names of two individuals for the Legislative Council to select from for each of the nonlegislator positions on the committee. Chairman Stenehjem announced that the letter from the chancellor pointed out that the individuals had been identified as follows: the North Dakota State University faculty member had been suggested by the director of that institution's Agricultural Experiment Station, the practicing veterinarian had been suggested by the executive director of the North Dakota Veterinary Medical Association, and the livestock producer had been suggested by the executive vice president of the North Dakota Stockmen's Association, and the names provided had been listed in priority order by each of the persons making the suggestion.

**It was moved by Senator Holmberg, seconded by Representative Klein, and carried on a roll call vote that the members of the Admissions Committee for the Veterinary Medical Education Program at Kansas State University consist of Dr. Neal Dyer, Dr. Daniel Burchill, Mr. Melvin Leland, and Senator Bill L. Bowman.** In the discussion that followed, Chairman Stenehjem called on Dr. Potts, who reported that all candidates have



agreed to serve. Chairman Stenehjerm called for a vote on the motion. Voting in favor of the motion were Senators Stenehjerm, Dever, Holmberg, Krauter, Krebsbach, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Devlin, Kelsh, Klein, Kroeber, and Pollert. There were no negative votes.

The Council discussed whether there was a need to name alternates in case any of these appointees could not serve. **It was moved by Senator O'Connell and seconded by Representative Berg that Representative Boucher be an alternate to Senator Bowman.** After further discussion, it was noted that it was questionable whether there was statutory authority to name alternates. Chairman Stenehjerm said that this committee would be completing its business within a short time and there is probably not a need for alternates. **Senator O'Connell, with the consent of his second, withdrew his motion.**

Chairman Stenehjerm announced that the Council would consider the appointment of members of the Uniform Laws Commission, which requires one member from each house and both members have to be attorneys. Chairman Stenehjerm announced that Senator Thomas L. Trenbeath and Representative Lawrence R. Klemin currently serve in these positions. **It was moved by Representative Berg, seconded by Senator Holmberg, and carried on a roll call vote that Senator Trenbeath and Representative Klemin be reappointed to the Uniform Laws Commission.** Voting in favor of the motion were Senators Stenehjerm, Dever, Holmberg, Krauter, Krebsbach, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Devlin, Kelsh, Klein, Kroeber, and Pollert. There were no negative votes.

Chairman Stenehjerm announced that the Council would return to consideration of proposed studies. The Council reviewed Senate Bill No. 2268, Section 1, calling for a study of issues related to waste rubber recycling. Senator Lyson said he had spoken to the sponsor of this proposed study, and the sponsor does not believe it needs to be studied. Chairman Stenehjerm announced that he would place this study in the "no" category.

The Council reviewed House Bill No. 1280, Section 6, calling for a study of the feasibility and desirability of creating an allied health professions board. Senator Holmberg said licensing of various occupations and professions is a continuing problem. He said there are very few acupuncturists in the state and it is hard to license a group with so few members. Senator Holmberg said he recommends giving priority to all three licensing studies, those called for in House Bill No. 1280, Section 6; Senate Bill No. 2269, Section 2; and Senate Bill No. 2171, Section 1. Representative Devlin said he agrees that there is a need to study occupational and professional

licensure. Representative Kroeber said creating an umbrella licensing agency has been considered and defeated. Representative Berg said there is much duplication among licensing jurisdictions and he believes there is a need to study this subject. Senator Dever said there is a need to consider working with other states on this issue. Representative Carlson said he believes all three studies should be considered a single study. Chairman Stenehjerm announced that he would place all three studies in the "middle" category.

The Council reviewed House Bill No. 1008, Section 7, calling for a study of the changes in responsibilities and duties of the Public Service Commission since its inception. Representative Klein said he believes this subject has been studied before. Representative Boucher said perhaps it is time to study this subject as there have been changes in federal law that might affect this subject. Chairman Stenehjerm announced that he would place this study in the "yes" category.

The Council reviewed the proposed study in House Bill No. 1370, Section 1, relating to railroad fuel surcharges. Senator Krauter said fuel surcharges are being applied by railroads and there is a substantial impact on producers in this state. Senator O'Connell said this is a concern of elevator operators. Representative Pollert said he is an elevator operator and he believes this subject is very important. Chairman Stenehjerm announced that he would place this study in the "yes" category.

The Council reviewed House Bill No. 1009, Section 14, calling for a study of the feasibility and desirability of implementing a license fee for businesses receiving state meat inspection program services. Senator Krauter said he believes there is a need to study this subject during the interim. Representative Carlson said legislation on this subject was defeated during the legislative session. Chairman Stenehjerm announced that he would place this study in the "middle" category.

The Council reviewed House Bill No. 1272, Section 2, calling for a study of the feasibility and desirability of revising the process for appointing or electing individuals to the North Dakota Wheat Commission. Senator Krauter said he believes these are public elections and there is no problem that needs to be studied. Representative Carlson said he does not believe this subject should be studied. Chairman Stenehjerm announced that he would place this study in the "no" category.

The Council reviewed Senate Bill No. 2393, Section 1, calling for a study of sales, use, and gross receipts tax exemptions and reductions with an emphasis on those that are available for only certain purchasers. Representative Berg said this subject has been studied. Senator Robinson said he would place this study in the "yes" category. Chairman



Stenehjem announced that this study would be placed in the "yes" category.

The Council reviewed the study called for in House Bill No. 1530, Section 1, relating to the oil and gas tax structure. Senator Lyson said he has been told by industry personnel in his area that this study is not needed and that the industry can study the issue and recommend legislation. Senator O'Connell said there is no support for this study from the industry. Chairman Stenehjem announced that this study would be placed in the "no" category.

The Council reviewed Senate Bill No. 2272, Section 2, calling for a study of issues related to transferability of income tax credits for installation of geothermal, solar, or wind energy devices. Representative Kelsh said he believes this would be an ideal study for the Electric Industry Competition Committee. Chairman Stenehjem announced that he would place this study in the "yes" category.

The Council reviewed Senate Concurrent Resolution No. 4010, calling for a study of alternatives to the current method of expressing property tax levies in mills per dollar of taxable valuation. Representative Berg said if there are other ways to handle these levies it should be studied. Chairman Stenehjem announced that he would place this study in the "yes" category.

The Council reviewed Senate Bill No. 2272, Section 1, calling for a study of circumstances in which property ceases to be considered agricultural property for property tax purposes. In response to a question from Senator Lyson, Senator Stenehjem said some people think recreational property should be treated differently. Representative Carlson said land should not be treated differently because it is used for hunting purposes and he does not believe this subject should be studied. Chairman Stenehjem announced that he would place this study in the "no" category.

The Council reviewed the study called for in Senate Concurrent Resolution No. 4011 relating to assessment and taxation of mobile homes and similar housing alternatives. Representative Carlson asked what the purpose of this study would be. Senator Krebsbach said this was last studied in 1983 and as the industry has grown, she would suggest that this study be placed on hold at this time. Chairman Stenehjem announced that he would place this study in the "middle" category at this time.

Chairman Stenehjem recessed the Legislative Council for a luncheon break from 12:15 to 1:30 p.m.

Upon reconvening, Chairman Stenehjem said the Legislative Council would return to consideration of proposed studies that had been placed in the "middle" category.

The first study in that category is House Bill No. 1015, Section 29, relating to a study of employee salaries of the Department of Corrections and Rehabilitation. Representative Carlson said he believes

this subject will be adequately covered in the study conducted under House Bill No. 1015, Section 28. Senator Krauter said the problems in the Department of Corrections and Rehabilitation are unique and there is a need to study how the state got into the difficult position it has with that agency's salary structure. Senator Stenehjem said he believes this is an important subject and it will be studied in House Bill No. 1015, Section 28. Chairman Stenehjem announced that the study called for in House Bill No. 1015, Section 29, would be placed in the "no" category.

The next study previously placed in the "middle" category was House Bill No. 1013, Section 15, which called for a study of the potential for cooperative field service delivery between North Dakota Vision Services - School for the Blind and the School for the Deaf. Senator Holmberg said he believes there is no need to study this issue at this time. Chairman Stenehjem announced that this study would be placed in the "no" category.

The next proposed study that had previously been placed in the "middle" category was Senate Bill No. 2023, Section 5, relating to a study of deferred maintenance and infrastructure for all state agencies and institutions. Senator Robinson said there are many problems that have been previously ignored and a study might result in things being done differently. He said it is important to stay on top of the state's investment in the infrastructure of facilities. Senator O'Connell said the state needs to plan for the future. Senator Dever said he believes this is the responsibility of each state agency that has facilities. Senator Robinson said the problem is that different agencies handle these problems differently and the state needs to maintain the entire infrastructure under the control of the various state agencies. Representative Pollert said he believes the department heads should propose solutions and the Legislative Assembly will determine priorities on this subject. Senator O'Connell said we cannot wait until a roof falls in and the state needs to take care of these problems on a statewide basis. Chairman Stenehjem said he would like a vote on whether members of the Legislative Council believe this subject should be studied. Voting in favor of the concept of conducting the study called for in Senate Bill No. 2023, Section 5, were Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Kroeber and voting against the concept were Senators Stenehjem, Dever, Holmberg, Krebsbach, and Lyson and Representatives Berg, Carlson, Devlin, Klein, and Pollert. Chairman Stenehjem announced that the no's had prevailed and this study would be placed in the "no" category.

Chairman Stenehjem announced that the next study that had been placed in the "middle" category was Senate Bill No. 2395, Section 4, which called for a study of issues relating to Medicaid and other public

funding for extraordinary health care needs of children. Senator Dever said he does not believe this study is needed as the subject is adequately covered in the study called for in House Concurrent Resolution No. 3054. Chairman Stenehjem announced that the study called for in Senate Bill No. 2395, Section 4, would be placed in the "no" category.

Chairman Stenehjem announced that the next study that had been placed in the "middle" category was the study called for in House Bill No. 1012, Section 15, which called for a study of the services provided by residential treatment centers and residential child care facilities. **It was moved by Senator Krauter and seconded by Representative Berg that this study be placed in the "yes" category.** In the discussion that followed, Senator Krauter said it is time to get a handle on methamphetamine treatment in this state. Senator Dever said he agrees that this is an important subject to study. Chairman Stenehjem called for a vote on the motion. On a roll call vote, Senators Stenehjem, Dever, Holmberg, Krauter, Krebsbach, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Devlin, Kelsh, Klein, Kroeber, and Pollert voted "aye." There were no negative votes.

Chairman Stenehjem announced that the next study that had been placed in the "middle" category was Senate Bill No. 2018, Section 9, which called for a study of the implementation by Job Service North Dakota of a shared work demonstration project. Representative Berg said shared work is an important subject and although this is not a new subject he believes it is important to study. He said this should be put in the "yes" category. Representative Carlson agreed that this study could have merit. Chairman Stenehjem announced that this study would be placed in the "yes" category.

Chairman Stenehjem announced that the next study that had been placed in the "middle" category was Senate Concurrent Resolution No. 4033 calling for a study of whether enhancing the quality of child care and increasing access to affordable child care would favorably impact economic development in this state. **It was moved by Representative Kelsh and seconded by Senator O'Connell that this study be given priority.** In the discussion that followed, Senator Robinson said affordable child care is important to families and to economic development. He said child care is an even more important issue in a rural state because of the lack of density of population. Representative Devlin said he opposes this study and he believes the Legislative Assembly has sufficient information. Senator O'Connell said this study fits in with the concept of marriage and family values. He said child care is a particularly important issue when both parents are working. Senator Dever said he had read about a study that concluded that child care centers are better at parenting than grandparents and he said as a grandparent he takes

offense at that conclusion. Senator Robinson said a majority of families no longer have that kind of support structure. Senator Robinson further said that North Dakota leads the nation in people holding two jobs, and child care is extremely important. Representative Carlson questioned where this study would lead, and he asked whether the state was going to be expected to provide child care services. Representative Kelsh said the wording of the study is whether child care will help economic development. He said this is an important part of the total economic development picture. Representative Berg said everyone is concerned about child care but he believes job creation is the key to economic development. He said he believes studying child care takes the focus away from the creation of jobs. Representative Boucher said it is often difficult to find people to fill jobs and a critical issue in taking a job is whether there is child care available. Chairman Stenehjem called for a vote on the motion and on a roll call vote, voting in favor of the motion were Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Kroeber. Voting against the motion were Senators Stenehjem, Dever, Holmberg, Krebsbach, and Lyson and Representatives Berg, Carlson, Devlin, Klein, and Pollert. **Chairman Stenehjem announced that the motion had failed.**

Chairman Stenehjem said the next study that had previously been placed in the "middle" category was House Concurrent Resolution No. 3028 calling for a study of the utilization of the state's abundant energy resources to attract energy-intensive economic development projects. Representative Berg said he believes this subject is worthy of study. Senator Krauter and Representative Klein said they agreed. Chairman Stenehjem announced that this study would be placed in the "yes" category.

Chairman Stenehjem announced that the next study that had been placed in the "middle" category was House Concurrent Resolution No. 3039, which calls for a study of the appropriate level of state-sponsored tourism marketing. Senator Robinson said prior studies have not concentrated on this subject. Representative Carlson said he hopes the Legislative Council rejects this study, as the Commerce Department has provided sufficient information during the legislative session. He said the state has substantially increased the budget for advertising and he sees no need to further study this issue. **It was moved by Senator Robinson, seconded by Senator O'Connell, and defeated on a roll call vote that House Concurrent Resolution No. 3039 be given priority.** Voting in favor of the motion were Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Kroeber. Voting against the motion were Senators Stenehjem, Dever, Holmberg, Krebsbach, and Lyson and Representatives Berg, Carlson, Devlin, Klein, and Pollert.

**Chairman Stenehjem announced the motion had been defeated.**

Chairman Stenehjem announced the next study that had been placed in the "middle" category was House Concurrent Resolution No. 3045, which called for a study of the feasibility and desirability of authorizing nonprofit organizations to participate in a government liability self-insurance project. Representative Devlin said organizations can study and recommend proposals to the Legislative Assembly and there is no need to conduct this study. **It was moved by Representative Boucher and seconded by Senator O'Connell that the Legislative Council give priority to this study called for in House Concurrent Resolution No. 3045.** In the discussion that followed, Representative Boucher said it is important to know whether we are running a risk if health care facilities cannot continue to afford insurance. He said he believes this is a matter that should be studied. Representative Berg said the cost of insurance is a concern to everyone. He said nonprofit organizations have different kinds of risks and he questions what kinds of cost-shifting would result if those entities would be in a government liability self-insurance pool. Chairman Stenehjem called for a vote on the motion, and on a roll call vote Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Kroeber voted "aye." Senators Stenehjem, Dever, Holmberg, Krebsbach, and Lyson and Representatives Berg, Carlson, Devlin, Klein, and Pollert voted "nay." **Chairman Stenehjem announced that the motion had failed.**

Chairman Stenehjem said the next study that had been placed in the "middle" category was House Concurrent Resolution No. 3014 calling for a study of judicial elections and recent federal court decisions affecting the conduct of judicial elections. Chairman Stenehjem announced the consensus appeared to be that this study be placed in the "yes" category.

Chairman Stenehjem announced the next proposed study that had been placed in the "middle" category was House Concurrent Resolution No. 3042 calling for a study of the laws of this state and of other states as they relate to the unauthorized acquisition, theft, and misuse of personal identifying information. Chairman Stenehjem announced that the consensus appeared to be that this resolution should be moved to the "yes" category.

Chairman Stenehjem announced the next study that had been placed in the "middle" category was House Concurrent Resolution No. 3025, which calls for a study of issues of fairness and equity as they relate to the issuance and enforcement of child visitation orders. Senator Lyson said in his area a mediator is being used and there is a need to review the success of that method. Chairman Stenehjem announced this study would be moved to the "no" category.

Chairman Stenehjem announced the next study that had been placed in the "middle" category was House Concurrent Resolution No. 3010 calling for a study of the need for a state Brownfields law. Representative Devlin said he believes the Legislative Council should wait to see how the legislation affecting Mandan works before studying this issue. Senator Dever said the sponsors of that legislation were from Mandan and he believes the concerns had been addressed and he assumes that this study resolution had been a companion measure to the bill that was ultimately passed. Chairman Stenehjem announced this study would be moved to the "no" category.

Chairman Stenehjem announced that the Council would review the studies called for relating to occupational licensing in House Bill No. 1280, Section 6; Senate Bill No. 2269, Section 2; and Senate Bill No. 2171, Section 1, all of which had been placed in the "middle" category. Representative Berg said he believes the issues called for in these resolutions need to be revisited. Representative Kroeber said each licensing group has different requirements. He said trying to come up with a uniform solution will be difficult. **It was moved by Representative Berg, seconded by Representative Carlson, and carried on a roll call vote that the studies called for in House Bill No. 1280, Section 6; Senate Bill No. 2269, Section 2; and Senate Bill No. 2171, Section 1, be given priority for study.** On a roll call vote, Senators Stenehjem, Dever, Holmberg, Krebsbach, and Lyson and Representatives Berg, Carlson, Devlin, Klein, and Pollert voted "aye." Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Kroeber voted "nay."

Chairman Stenehjem announced that the Council would review House Bill No. 1009, Section 14, which calls for a study of the feasibility and desirability of implementing a license fee for businesses receiving state meat inspection program services, which had been placed in the "middle" category. Senator Krauter said other states have a license fee and this needs to be studied. Representative Berg said the issue is how to spread the cost of meat inspection. He said changes were made during this session and we should wait to see how current law works. Chairman Stenehjem announced this study would be placed in the "no" category.

Chairman Stenehjem announced that the next study that had been placed in the "middle" category was Senate Concurrent Resolution No. 4011 relating to the assessment and taxation of mobile homes and similar housing alternatives. Representative Boucher said he sees no need to conduct this study. Chairman Stenehjem announced this study would be placed in the "no" category.

Senator Krauter said he knows that the Council had given priority to Senate Bill No. 2393, Section 1,

calling for a study of sales, use, and gross receipts tax exemptions and reductions, but he questioned whether there was a need for this study. He said this subject was just studied last interim and the issues are well-known. He said the Tax Department has provided all the information and there is no need to study this subject again. Representative Devlin said he agreed, and because this issue has been studied and several changes have been made in the laws he sees no need to conduct another study. Chairman Stenehjem announced this study would be moved to the "no" category.

Chairman Stenehjem opened the floor for discussion for any other studies placed in the "yes" category that any member of the Legislative Council wished to move to the "no" category. Representative Berg said the study called for in House Bill No. 1008, Section 7, relating to changes in responsibilities and duties of the Public Service Commission is not needed. Senator O'Connell said he believes this would be a good study to see if the agency is continuing to provide services required. **It was moved by Representative Boucher, seconded by Senator O'Connell, and defeated on a roll call vote that House Bill No. 1008, Section 7, be given priority.** On a roll call vote, Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Kroeber voted "aye." Senators Stenehjem, Dever, Holmberg, Krebsbach, and Lyson and Representatives Berg, Carlson, Devlin, Klein, and Pollert voted "nay."

Representative Berg said he believes the study called for in Senate Bill No. 2272, Section 2, does not need to be studied. **It was moved by Representative Kelsh, seconded by Representative Boucher, and defeated on a roll call vote that the study called for in Senate Bill No. 2272, Section 2, be given priority.** Voting in favor of the motion were Senators Krauter and Robinson and Representatives Boucher, Delmore, Kelsh, and Kroeber. Voting against the motion were Senators Stenehjem, Dever, Holmberg, Krebsbach, Lyson, and O'Connell and Representatives Berg, Carlson, Devlin, Klein, and Pollert.

**It was moved by Representative Berg, seconded by Representative Klein, and carried on a roll call vote that the Council give approval to the list of studies placed in the "yes" category.** Voting in favor of the motion were Senators Stenehjem, Dever, Holmberg, Krauter, Krebsbach, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Devlin, Kelsh, Klein, Kroeber, and Pollert. There were no negative votes.

**It was moved by Senator Krauter, seconded by Senator O'Connell, and carried on a voice 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 for service on interim committees.**

In response to a question from Representative Boucher, the director said the process followed after questionnaires are received from legislators regarding their preferences for service on interim committees is that the staff provides information to the chairman regarding legislators' choices, such as providing information on a proposed interim structure if each legislator received his or her first and second choices. Because some committees end up with too many members and others end up with too few members, the chairman needs to make changes before presenting a proposed structure to the Legislative Council. Representative Boucher said he noted disparities after the committees were formed last time. Chairman Stenehjem said he tried to give legislators their choices but sometimes that is not possible. Representative Berg suggested the chairman try to provide a continuum between three-day standing committees and interim committees. Chairman Stenehjem said he would take that suggestion under advisement.

Chairman Stenehjem asked whether the Council wished to address the issue of the vendor for the employee assistance program for legislators. **It was moved by Senator Robinson, seconded by Senator Holmberg, and carried on a roll call vote that the chairman be authorized to select an appropriate employee assistance program for legislators for the next biennium.** Voting in favor of the motion were Senators Stenehjem, Dever, Holmberg, Krauter, Krebsbach, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Devlin, Kelsh, Klein, Kroeber, and Pollert. There were no negative votes.

**It was moved by Representative Berg, seconded by Senator Holmberg, and carried on a voice vote that the meeting be adjourned.** Chairman Stenehjem adjourned the meeting at 2:55 p.m.

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John D. Olsrud  
Director

[ATTACH:1](#)