

# NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

## LEGISLATIVE COUNCIL

Tuesday and Wednesday, November 14-15, 2006  
House Chamber, State Capitol  
Bismarck, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 1:05 p.m.

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

**Members absent:** Senator Karen K. Krebsbach, Representative William R. Devlin

### OPENING REMARKS

Chairman Stenehjem welcomed legislators and others to the meeting. Newly elected members of the Legislative Assembly were congratulated, and members of the Legislative Assembly who will not be returning to serve as members of the 60th Legislative Assembly were thanked for their past services to the citizens of North Dakota.

Chairman Stenehjem thanked the members of the Legislative Council for their service as committee chairmen during the 2005-06 interim. He said committee chairmen will present reports of their committees and Legislative Council staff members will assist the chairmen in answering questions. He said members of the Legislative Council are the only legislators allowed to make motions or vote on the reports; however, any legislator or legislator-elect in attendance may ask questions concerning the reports. He said the purpose of the Legislative Council meeting is to receive reports of the interim committees and not to receive additional testimony.

Chairman Stenehjem announced that copies of the report of the State Employees Compensation Commission have been mailed to all legislators. He said North Dakota Century Code Section 54-06-25 requires that the report be made at this meeting and the mailing of the report to all legislators is being accepted in lieu of a formal report at this meeting.

Chairman Stenehjem called on Mr. John D. Olsrud, Director, Legislative Council, who welcomed all returning and newly elected legislators. He said there are 23 new legislators, 2 of whom are returning after an absence from service in the Legislative Assembly. He said 24 reports will be presented, including 22 interim Legislative Council committees, the Advisory Commission on Intergovernmental Relations, and the Commission on Alternatives to Incarceration. He said the committees are recommending a total of

35 measures (33 bills and 2 resolutions), compared to 47 measures recommended to the 59th Legislative Assembly. He said the number of measures recommended has trended downward. The director announced the bill room will be open after the organizational session.

### INTERIM COMMITTEE REPORTS

#### Budget Section

Representative Ken Svedjan, Chairman, Budget Section, presented the Budget Section report. Representative Svedjan said the Budget Section reviewed the duties and responsibilities of the Budget Section. He said the Budget Section recommends removing the statutory requirement for certain reports to the Budget Section.

Representative Svedjan said the Budget Section received reports from the Office of Management and Budget on the status of the general fund, fiscal irregularities, tobacco settlement proceeds, budget form changes, the status of the risk management workers' compensation fund, and 2003-05 biennium general fund turnbacks; North Dakota University System on centers of excellence, sources of local funds received for construction projects, the higher education equity pool, higher education review of the long-term finance plan, and the status of utilities budgets for the institutions of higher education for the 2005-07 biennium; Department of Human Services on transfers made between line items and between subdivisions in excess of \$5,000, the federal medical assistance percentage, the status of the Medicaid management information system, and the Medicaid Medical Advisory Committee; Department of Commerce on economic goals and associated benchmarks and the use of grant funds by the Rural Development Council, Red River Valley Research Center, North Dakota center for technology program, and partners in marketing program; Highway Patrol on the training program for law enforcement officers and other emergency service providers; Mill and Elevator on the mill's annual reports; Workforce Safety and Insurance on the building maintenance account; Department of Emergency Services on the status of the reorganization of the department, employee positions affected by the reorganization and justification for any prior salary increase, and the use of federal homeland security funds at the state and local levels; Job Service North Dakota on the status of

the job insurance trust fund and the status of the unemployment insurance computer system modernization procurement planning; Department of Transportation on additional full-time equivalent positions that have been hired for highway construction; and State Water Commission on the status of the Devils Lake Outlet.

Representative Svedjan said the Budget Section received reports from the Legislative Council staff on the legislative applications replacement system project; Industrial Commission on oil pipeline transportation issues, oil production, and oil prices; and Office of Management and Budget on the State Hospital electrical distribution repair; and the potential need for additional funds for the 2007-09 biennium.

Representative Svedjan said the Budget Section approved 11 requests for centers of excellence, 2 requests relating to University System capital projects, and 2 requests from the Game and Fish Department for land acquisition. He said the Budget Section approved 47 requests for increased spending authority, transfers of spending authority, or increased full-time equivalent positions that were approved by the Emergency Commission. He said six requests were approved by the Emergency Commission to obtain funds from the state contingency fund.

**It was moved by Senator Robinson, seconded by Senator Krauter, and carried on a roll call vote to accept the report of the Budget Section.** Senators Stenehjem, Dever, Holmberg, Krauter, Lyson, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Budget Committee on Government Services**

Representative Al Carlson, Chairman, Budget Committee on Government Services, presented the committee report. Representative Carlson said the committee studied the Department of Corrections and Rehabilitation's incarceration and facility needs. He said the committee received reports from the Department of Corrections and Rehabilitation on male and female inmate populations, estimated costs for implementing performance audit recommendations, and facility needs. He said the committee toured the State Penitentiary, James River Correctional Center, and Missouri River Correctional Center. He said the committee received reports from the Dakota Women's Correctional and Rehabilitation Center on female inmate populations, facility renovations, prison industries, and treatment programs and services. He said the committee toured the women's prison facility in New England. He said the committee received reports from the North Dakota Association of Counties on beds available for state use and requirements relating to medication management within jails; from the Commission on Alternatives to Incarceration; and from Corrections Corporation of America, Nashville, Tennessee, on other options available for meeting the Department of Corrections and Rehabilitation's

incarceration and facility needs. He said the committee recommends bills to provide an exemption from nursing requirements for employees providing medication to inmates within a correctional facility and an appropriation of \$38 million from the general fund for the renovation and expansion of the State Penitentiary, including replacement of the east cellhouse.

Representative Carlson said the committee received reports from the Department of Transportation, Highway Patrol, Parks and Recreation Department, Information Technology Department, Department of Commerce, and Department of Veterans Affairs on performance and accountability systems at these state agencies.

Representative Carlson said the committee received survey results from 38 state agencies and institutions that own land and buildings.

**It was moved by Representative Carlson, seconded by Representative Berg, and carried on a roll call vote to accept the report of the Budget Committee on Government Services.** Senators Stenehjem, Dever, Holmberg, Krauter, Lyson, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Information Technology Committee**

Senator Larry J. Robinson, Chairman, Information Technology Committee, presented the committee report. He said the committee received reports from the Chief Information Officer and representatives of the Information Technology Department regarding the prioritization of major computer software projects for the 2007-09 biennium; the department's business plan; the department's annual report; statewide information technology policies, standards, and guidelines; and major information technology projects.

**It was moved by Senator Robinson, seconded by Senator Krauter, and carried on a roll call vote to accept the report of the Information Technology Committee.** Senators Stenehjem, Dever, Holmberg, Krauter, and Robinson and Representatives Berg, Boucher, Delmore, Kelsh, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Higher Education Committee**

Senator Ray Holmberg, Chairman, Higher Education Committee, presented the committee report. He said the committee studied higher education funding and accountability, including the review of the progress made in implementing the Higher Education Roundtable recommendations relating to the North Dakota University System meeting the state's expectations and needs, the funding methodology needed to meet those expectations and needs, and the appropriate accountability and reporting system for the University System. He said the committee also received reports from the State Board of Higher Education regarding the status of the board's review of the long-term

financing plan and the implementation of a policy requiring all institutions to assess faculty and teaching assistant English communication skills.

**It was moved by Senator Holmberg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Higher Education Committee.** Senators Stenehjem, Dever, Holmberg, Krauter, Lyson, and Robinson and Representatives Boucher, Carlson, Delmore, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Budget Committee on Health Care**

Senator Aaron Krauter, Chairman, Budget Committee on Health Care, presented the committee report. Senator Krauter said the committee studied the need for a comprehensive long-range study of the state's current and future health care needs; the feasibility and desirability of creating an allied health professions board; the feasibility and desirability of creating an umbrella licensing organization for counselors, psychologists, marriage and family therapists, and social workers; and licensure and regulation options for acupuncturists practicing in the state.

Senator Krauter said the committee received reports from the Board of Nursing regarding its study of the nursing educational requirements and the nursing shortage in this state; Department of Human Services regarding enrollment statistics and costs associated with the children's health insurance program state plan; the Insurance Commissioner regarding cost-benefit analyses conducted for legislative measures or amendments mandating health insurance coverage during the 2005 legislative session and a recommendation of an entity to conduct a cost-benefit analysis during the 2007 legislative session; and the State Department of Health regarding its pilot project to test an announced basic care survey process and the department's recommendation of whether the unannounced survey process should continue for all basic care facilities.

**It was moved by Senator Krauter, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Budget Committee on Health Care.** Senators Stenehjem, Dever, Holmberg, Krauter, Lyson, and Robinson and Representatives Berg, Boucher, Delmore, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Legislative Audit and Fiscal Review Committee**

Representative Francis J. Wald, Chairman, Legislative Audit and Fiscal Review Committee, presented the committee report. Representative Wald said the committee studied and reviewed the state's financial transactions to ensure collection of state revenues and expenditures of state money were in compliance with law, legislative intent, and sound financial practices. He said the committee reviewed 160 audit reports during the 2005-06 interim, including 4 performance audit and evaluation reports,

86 financial or information technology application audit reports, and 70 audit reports that were filed with and accepted by the committee but were not formally presented. He said the committee is planning to meet in late November 2006 to receive the performance audit of Workforce Safety and Insurance.

Representative Wald said the committee approved replacement of 12 previously approved audit guidelines with six audit questions and eight other issues to be communicated by the auditors of state agencies and institutions to the committee. He said the new guidelines are effective for audit periods covering fiscal years ending June 30, 2006, and thereafter.

Representative Wald said the committee studied state agency and institution continuing appropriation authority. The committee received reports from selected state agencies and institutions regarding the statutory authority for continuing appropriation authority within the agencies or institutions; justification for continuing the authority; and related revenues, expenditures, and fund balances for previous bienniums and projections for the 2005-07 biennium.

**It was moved by Representative Pollert, seconded by Representative Delmore, and carried on a roll call vote to accept the report of the Legislative Audit and Fiscal Review Committee.** Senators Stenehjem, Dever, Holmberg, Lyson, and Robinson and Representatives Berg, Boucher, Delmore, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Budget Committee on Human Services**

Senator Dick Dever, Chairman, Budget Committee on Human Services, presented the committee report. Senator Dever said the committee studied the state's public health unit infrastructure and the ability of public health units to respond to public health issues and the effectiveness and efficiency of food and lodging investigation services provided by the State Department of Health and public health units, the Medicaid medical reimbursement system, the costs and benefits of adopting a comprehensive Healthy North Dakota and workplace wellness program, services provided by residential treatment centers and residential child care facilities and the appropriateness of the payments provided by the state for the services, and state programs providing services to children with special health care needs. He said the committee received reports from the Department of Human Services regarding a five-year Medicaid analysis report; the status of the department's amendment to the North Dakota Medicaid state plan allowing the disregard of assets for individuals owning long-term care insurance policies; the status of activities of the prescription drug monitoring workgroup implementation of a prescription drug monitoring program; the status of development of management initiatives for the Medicaid program; the department's progress in developing and implementing a plan for

the implementation of the Medicare prescription program; the status of the Medicaid waiver to provide in-home services to children with extraordinary medical needs; the department's review of its budget, programs, and services; and the department's plan to transfer appropriate individuals from the Developmental Center to community placements.

**It was moved by Senator Dever, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Budget Committee on Human Services.** Senators Stenehjem, Dever, Holmberg, Lyson, O'Connell, and Robinson and Representatives Boucher, Delmore, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Employee Benefits Programs Committee**

Representative Matthew M. Klein, Chairman, Employee Benefits Programs Committee, presented the committee report. Representative Klein said the committee has jurisdiction over legislative measures affecting retirement, health insurance, and retiree health insurance programs of public employees. He said the committee solicited and reviewed various proposals affecting these programs and obtained actuarial and fiscal information on each of these proposals and reported this information to each proponent. He said the committee received the actuarial reports on the Public Employees Retirement System and Teachers' Fund for Retirement. He said the committee studied issues relating to state employee compensation and received reports from the Human Resource Management Services Division of the Office of Management and Budget on the implementation, progress, and bonuses provided under state agency recruitment and retention bonus programs.

**It was moved by Representative Klein, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Employee Benefits Programs Committee.** Senators Stenehjem, Dever, Holmberg, Lyson, O'Connell, and Robinson and Representatives Berg, Delmore, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Administrative Rules Committee**

Senator Jerry Klein, Vice Chairman, Administrative Rules Committee, presented the committee report. Senator Klein said the committee reviewed all state administrative rulemaking actions from December 2004 through October 2006, covering 1,920 pages of rules. He said the committee voided one set of agency rules. He said the committee makes no recommendation regarding changes to statutes relating to administrative rules.

**It was moved by Representative Pollert, seconded by Senator Lyson, and carried on a roll call vote to accept the report of the Administrative Rules Committee.** Senators Stenehjem, Dever, Holmberg, Lyson, and Robinson and Representatives

Berg, Boucher, Delmore, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

Chairman Stenehjem announced the Legislative Council would be in recess until 9:00 a.m., Wednesday, November 15, 2006.

Chairman Stenehjem reconvened the meeting at 9:00 a.m. on Wednesday, November 15, 2006.

#### **Economic Development Committee**

Representative Rick Berg, Chairman, Economic Development Committee, presented the committee report. Representative Berg said the committee studied the state's business climate through a business climate initiative, which included conducting and participating in seven focus groups and a Business Congress attended by business leaders, local economic developers, and young professionals and studied issues relating to venture and risk capital and whether and how some of these issues may be negatively impacting business development in the state. He said the committee received a biennial report from the Commissioner of Commerce on the process used and factors considered by the commissioner in identifying target industries on which economic development efforts are focused and the special focus target industry; a report from the Commissioner of Commerce on the status of the American Indian Business Development Office and the status of the International Trade and Business Office; a report from the Commissioner of Commerce on the status of the local economic development certification; a report from the Commissioner of Commerce on the status of the image information program; a report from the Commissioner of Commerce on the status of the business hotline program; a report from the Commissioner of Commerce on the status of the Dakota Manufacturing Initiative; a report from the Commissioner of Commerce on the outcome of the Department of Commerce's study of the state's intellectual property laws as they relate to the protection of intellectual property rights; a report from the Commissioner of Commerce on the outcome of the department's study of the state's economic development incentives; a report from the president of the Bank of North Dakota on the status of the Bank's investment in alternative and venture capital investments and early-stage capital funds; a report from the State Board of Higher Education and the Centers of Excellence Commission on the status of the centers of excellence program; a report from the chancellor of the University System on the outcome of the State Board of Higher Education's study of incentives the state could adopt to serve as catalysts for stimulating more efficient commercialization of new technologies; a report from the director of the Office of Management and Budget on the status of providing procurement information through the Internet and on the outcome of the director's procurement assistance center study; and annual reports from the Department of Commerce

Division of Community Services on renaissance zone progress.

**It was moved by Representative Berg, seconded by Representative Klein, and carried on a roll call vote to accept the report of the Economic Development Committee.** Senators Stenehjem, Dever, Krauter, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Delmore, Kelsh, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Commission on Alternatives to Incarceration**

Representative Joe Kroeber, Chairman, Commission on Alternatives to Incarceration, presented the commission report. Representative Kroeber said the commission studied sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues.

**It was moved by Representative Kroeber, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Commission on Alternatives to Incarceration.** Senators Stenehjem, Dever, Krauter, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Delmore, Kelsh, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Industry, Business, and Labor Committee**

Representative Mark A. Dosch, Vice Chairman, Industry, Business, and Labor Committee, presented the committee report. Representative Dosch said the committee studied the appropriate minimum standard of loss ratio for accident and health insurers and whether that loss ratio is more appropriately set by statute or by rule. He said the committee studied the pharmacy benefits management industry. In addition, he said, the committee studied the implementation by Job Service North Dakota of a shared work demonstration project, the reemployment processes and costs and an appropriate method for providing a limitation on the total average number of job-attached unemployment insurance claimants, and the unemployment insurance tax rate structure. He said the committee studied the feasibility and desirability of requiring professional employer organizations to register with the state. He said the committee also studied public improvement contracts and issues relating to the use of multiple bids versus single prime bids, construction management, professional liability and indemnification, and design-build delivery systems.

Representative Dosch said the committee received a report from the State Board of Agricultural Research and Education on its annual evaluation of research activities and expenditures. He said the committee also received reports from Workforce Safety and Insurance regarding recommendations based on the safety audit of Roughrider Industries work programs and the performance audit of the modified workers' compensation coverage program. He said the

committee received a report on the outcome of the Insurance Commissioner's compilation of existing data regarding the state's liability insurance marketplace with respect to tourism-related businesses.

**It was moved by Senator Dever, seconded by Representative Berg, and carried on a roll call vote to accept the report of the Industry, Business, and Labor Committee.** Senators Stenehjem, Dever, Krauter, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Delmore, Kelsh, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Tribal and State Relations Committee**

Senator Bob Stenehjem, Chairman, Tribal and State Relations Committee, presented the committee report. Senator Stenehjem said the committee held joint meetings with the Native American Tribal Citizens' Task Force to study tribal-state issues, including government-to-government relations, the delivery of services, case management services, child support enforcement, and issues related to the promotion of economic development. He said the committee reviewed federal Indian law and policy, state-tribal relations, state-tribal cooperative agreements, 2005 legislation, economic development initiatives, taxation, delivery of services and case management services, child support enforcement, transportation finance issues, sovereign lands and oil and gas resource development, water issues, game and fish issues, methamphetamine issues, law enforcement issues, and education in Indian country.

**It was moved by Senator Stenehjem, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Tribal and State Relations Committee.** Senators Stenehjem, Dever, Krauter, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Delmore, Kelsh, Kroeber, and Pollert voted "aye." No negative votes were cast.

### **Agriculture and Natural Resources Committee**

Representative Chet Pollert, Chairman, Agriculture and Natural Resources Committee, presented the committee report. Representative Pollert said the committee studied utilization of the state's abundant energy resources to attract energy-intensive economic development projects to the state, railroad fuel surcharges, and the process to negotiate and quantify reserved water rights. He said the committee also received updates concerning the Garrison Diversion Unit Project and Red River Valley Water Supply Project studies, received a report from the Game and Fish Department regarding the department's findings on its assessments of the status of mountain lions in North Dakota, and reports from the Agriculture Commissioner regarding all notifications and requests for assistance by individuals who believe local weed boards have not eradicated or controlled noxious weeds satisfactorily. He said the committee also

reviewed grain quality issues and agricultural research activities, the future of North Dakota's endangered species protection program, the Public Service Commission's case against rail carriers for high grain shipment rates, and renewable energy initiatives under consideration in Fargo and Grand Forks.

**It was moved by Representative Pollert, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Agriculture and Natural Resources Committee.** Senators Stenehjem, Dever, Holmberg, Krauter, Lyson, and Robinson and Representatives Boucher, Delmore, Kelsh, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Electric Industry Competition Committee**

Representative Merle Boucher, Chairman, Electric Industry Competition Committee, presented the committee report. Representative Boucher said the committee studied taxation of electric utilities, wind energy, the North Dakota Transmission Authority, the Wyoming Infrastructure Authority, and continuation of the committee with a broader scope of study. He said the committee also received reports regarding emergency 911 telephone systems standards and guidelines and city and county fees on telephone exchange access service and wireless service.

**It was moved by Representative Boucher, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Electric Industry Competition Committee.** Senators Stenehjem, Dever, Holmberg, Krauter, Lyson, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Advisory Commission on Intergovernmental Relations**

Representative Scot Kelsh, Chairman, Advisory Commission on Intergovernmental Relations, presented the commission report. Representative Kelsh said the commission studied charitable organizations' property tax exemptions, tax levy authority, township levy limitations, city and county development impact fees, legal services for indigents, the Uniform Environmental Covenants Act, extraterritorial zoning jurisdiction, jail administration, and the feasibility and desirability of establishing an organization or ombudsman to support and coordinate governmental and private efforts to discourage destructive behavior. He said the commission also received a report on how each county has used county document preservation funds.

**It was moved by Representative Kelsh, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Advisory Commission on Intergovernmental Relations.** Senators Stenehjem, Dever, Lyson, O'Connell, and Robinson and Representatives Berg, Boucher, Delmore, Kelsh, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Transportation Committee**

Senator David O'Connell, Chairman, Transportation Committee, presented the committee report. Senator O'Connell said the committee studied federal highway appropriations and state matching requirements, driving without liability insurance, and cost-shifting of medical costs of individuals injured in automobile crashes. He said the committee also received a report from the Upper Great Plains Transportation Institute on the outcome of the institute's study of how improvements to the transportation infrastructure of this state might enhance the business climate and the state's competitive position in economic development.

**It was moved by Senator O'Connell, seconded by Senator Lyson, and carried on a roll call vote to accept the report of the Transportation Committee.** Senators Stenehjem, Dever, Lyson, O'Connell, and Robinson and Representatives Boucher, Delmore, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Judicial Process Committee**

Senator Stanley W. Lyson, Chairman, Judicial Process Committee, presented the committee report. Senator Lyson said the committee studied issues relating to the appropriate public uses for the power of eminent domain. He said the committee studied judicial elections and recent federal court decisions affecting the conduct of judicial elections. He said the committee studied the laws of this state and other states as they relate to the unauthorized acquisition, theft, and misuse of personal identifying information belonging to another individual. He said the committee studied the legal and medical definitions used for dementia-related conditions. He said the committee received a report from the Attorney General on the current status and trends of unlawful drug use and abuse and drug control and enforcement efforts in this state. He said the committee received a report from the Commission on Legal Counsel for Indigents regarding the implementation of the commission, the indigent defense contract system, and established public defender offices. He said the committee received a report from the director of the North Dakota lottery regarding the operation of the lottery.

**It was moved by Senator Lyson, seconded by Representative Pollert, and carried on a roll call vote to accept the report of the Judicial Process Committee.** Senators Stenehjem, Dever, Krauter, Lyson, and Robinson and Representatives Delmore, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Judiciary Committee**

Representative Lois Delmore, Chairman, Judiciary Committee, presented the committee report. Representative Delmore said the committee studied the state's marriage laws and methods for strengthening the institution of marriage in the state,

including premarital requirements, such as marital education and counseling, waiting periods, and marital blood tests; the availability of marriage counseling and parenting education in the state; and the implementation of predivorce requirements, such as divorce-effects education. She said the committee studied the feasibility and desirability of adopting the Uniform Trust Code in North Dakota and the Uniform Commercial Code Revised Article 1 - General Provisions. She said the committee studied the methods for funding and providing law enforcement training in this state. She said the committee reviewed the uniform Acts recommended by the North Dakota Commission on Uniform State Laws. She said the committee received a report from the Department of Human Services regarding the status of the alternatives-to-abortion program and the funding for that program.

**It was moved by Representative Delmore, seconded by Senator Krauter, and carried on a roll call vote to accept the report of the Judiciary Committee.** Senators Stenehjem, Dever, Krauter, Lyson, and Robinson and Representatives Delmore, Kelsh, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Legislative Management Committee**

Senator Bob Stenehjem, Chairman, Legislative Management Committee, presented the committee report. Senator Stenehjem said the committee is responsible for making arrangements for the 2007 legislative session. He said the committee selected the contractor for replacing the legislative technology applications in the legislative branch, approved Phase 1 of the project, and approved initiating Phase 2 of the project, which will result in replacement of the legislative technology applications by the 2009 legislative session. He said the committee reviewed options for creating more committee meeting rooms and approved renovation of the bill and journal room into two committee rooms and a bill and journal room. He said the committee is recommending legislative rules amendments to continue the Monday bill introduction deadlines as a result of the Legislative Assembly convening on a Wednesday rather than a Tuesday in 2007.

**It was moved by Senator Stenehjem, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Legislative Management Committee.** Senators Stenehjem, Dever, Krauter, Lyson, and Robinson and Representatives Berg, Delmore, Kelsh, and Pollert voted "aye." No negative votes were cast.

Chairman Stenehjem announced the Legislative Council would be in recess for a luncheon break from 11:45 a.m. until 1:00 p.m.

Chairman Stenehjem reconvened the meeting at 1:00 p.m.

#### **Workers' Compensation Review Committee**

Representative George J. Keiser, Chairman, Workers' Compensation Review Committee, presented the committee report. Representative Keiser said the committee reviewed the workers' compensation cases of 11 injured employees to determine whether changes should be made to the state's workers' compensation laws. He outlined each of those cases and reported on the recommendations of the committee to address the problems experienced under the current law.

**It was moved by Senator Dever, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Workers' Compensation Review Committee.** Senators Stenehjem, Dever, Krauter, O'Connell, and Robinson and Representatives Berg, Delmore, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Finance and Taxation Committee**

Senator Herb Urlacher, Chairman, Finance and Taxation Committee, presented the committee report. Senator Urlacher said the committee studied 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. He said the committee also studied alternatives to the current method of expressing property tax levies in mills per dollar of taxable valuation and he provided statistics and other details regarding the existing system.

**It was moved by Senator Dever, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Finance and Taxation Committee.** Senators Stenehjem, Dever, and Robinson and Representatives Berg, Delmore, Kelsh, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **Education Committee**

Representative C. B. Haas, Vice Chairman, Education Committee, presented the committee report. Representative Haas said the committee studied the state's elementary and secondary education system, key measurements of student progress, programs that address the state's competitiveness with other states, costs incurred by the state relating to implementation of the No Child Left Behind Act, and the most effective means of using taxpayer dollars at the state and local levels to ensure the best possible education for the children of this state. He said the committee received reports regarding the financial condition of schools, school district employee compensation, student assessment scores in reading and mathematics, requests for waivers of accreditation rules, requests for waivers of instructional time requirements, the failure of any school board to meet a statutory threshold for increasing teacher compensation, the English communication skills of faculty members and teaching assistants at institutions of higher education, and the

State Board of Higher Education's long-term finance plan.

Representative Haas said the committee reviewed the October 2006 draft report of the North Dakota Commission on Education Improvement but elected not to make any recommendation because the report had not been finalized by the commission.

**It was moved by Senator Dever, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Education Committee.** Senators Stenehjem, Dever, and Robinson and Representatives Berg, Boucher, Delmore, Kelsh, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **No Child Left Behind Committee**

Representative RaeAnn G. Kelsch, Chairman, No Child Left Behind Committee, presented the committee report. Representative Kelsch said the committee studied the No Child Left Behind Act, amendments to the Act, changes to federal regulations implementing the Act, and applicable policy changes and letters of guidance issued by the United States Secretary of Education. She said the committee also received a report regarding the estimated costs that are likely to be incurred by the state in meeting the requirements of the Act, a report

regarding the operations of educational associations governed by joint powers agreements, and a report regarding requests for exceptions to teacher licensure requirements.

**It was moved by Senator Dever, seconded by Senator Krauter, and carried on a roll call vote to accept the report of the No Child Left Behind Committee.** Senators Stenehjem, Dever, Krauter, O'Connell, and Robinson and Representatives Berg, Boucher, Delmore, Kelsh, Klein, Kroeber, and Pollert voted "aye." No negative votes were cast.

#### **CONCLUDING REMARKS**

Chairman Stenehjem asked if there was any other business to come before the Legislative Council.

**It was moved by Senator Robinson, seconded by Representative Pollert, and carried on a voice vote that the meeting be adjourned.**

Chairman Stenehjem adjourned the meeting at 2:15 p.m. on Wednesday, November 15, 2006.

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John D. Olsrud  
Director