NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

EMPLOYEE BENEFITS PROGRAMS COMMITTEE

Wednesday, October 29, 2014
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Dick Dever, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Dick Dever, Ralph Kilzer, Karen K. Krebsbach, David O'Connell, Connie Triplett; Representatives Randy Boehning, Roger Brabandt, Jason Dockter, Jessica Haak, Scott Louser, Kenton Onstad, Don Vigesaa

Member absent: Senator Spencer Berry

Others present: See Appendix A

It was moved by Senator O'Connell, seconded by Senator Kilzer, and carried on a voice vote that the minutes of the September 18, 2014, meeting be approved as distributed.

RETIREMENT AND INVESTMENT OFFICE AND STATE INVESTMENT BOARD

Investment Strategies

Chairman Dever called on Mr. David J. Hunter, Chief Investment Officer and Executive Director, Retirement and Investment Office, to present information regarding the investment allocations and investment strategies of the State Investment Board for the Public Employees Retirement System (PERS) and Teachers' Fund for Retirement (TFFR). Mr. Hunter gave a computer presentation (Appendix B).

In response to a question from Representative Onstad, Mr. Hunter said he will provide the committee members with additional information regarding the prudent investor rule.

In response to a question from Chairman Dever, Mr. Hunter said clients of the State Investment Board have the ability to take their investments elsewhere. For example, he said, the State Board of Medical Examiners is an example of a new client and the city of Fargo is an example of a client that has chosen to leave.

Senator Triplett voiced concern regarding the material on Page 28 of the computer presentation regarding investment management fees. She said it appears the reason investment expenses as a percentage of invested assets is declining is because the asset base has increased. She distinguished this from an actual decline in investment management fees.

In response to a question from Representative Onstad, Mr. Hunter said risk and return are linked. Some of the highest priced investment funds have the greatest rate of return. He cited the PIMCO fund as an example of a more expensive fund with a higher rate of return.

In response to a question from Representative Onstad regarding risk and the prudent investor rule, Mr. Hunter said some investment strategies have single-digit basis points. He said in evaluating appropriate risk it is important to consider how the investment strategy compares to strategies of similar funds and how the State Investment Board is managing risk. He said the State Investment Board is very focused on risk/return metrics.

Bill Draft No. 135

Chairman Dever called on Mr. Hunter to comment regarding Bill Draft No. 135 [15.0135.01000]. Mr. Hunter distributed the technical comments (Appendix C) on the bill draft prepared by its consultant, The Segal Company. He stated Segal reports the bill draft will have no actuarial cost impact on TFFR, PERS, or other investment clients of the State Investment Board.

It was moved by Senator Krebsbach, seconded by Representative Brabandt, and carried on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 135 a favorable

recommendation. Senators Dever, Kilzer, Krebsbach, O'Connell, and Triplett and Representatives Boehning, Brabandt, Dockter, Haak, Louser, Onstad, and Vigesaa voted "aye." No negative votes were cast.

PUBLIC EMPLOYEES RETIREMENT SYSTEM AND TEACHERS' FUND FOR RETIREMENT

Teachers' Fund for Retirement Actuarial Valuation

Chairman Dever called on Mr. Matthew Strom, FSA, MAAA, EA, Consulting Actuary, The Segal Company, Chicago, Illinois, to provide an overview of the valuation process used in the PERS and TFFR valuation reports and to present the most recent TFFR valuation report. Mr. Strom gave a computer presentation (Appendix D).

In response to a question from Chairman Dever, Mr. Strom said the average monthly benefit for TFFR retirees varies based on the class of retiree. Ms. Fay Kopp, Chief Retirement Officer, Teachers' Fund for Retirement, stated the multiplier used to determine a retiree's benefit amount varies based on the date of retirement. However, she said, retirees who retired before 2001 do receive a cost-of-living adjustment. In addition, she said, in 2008, the Legislative Assembly provided a portion of a 13th check to the retirees which was funded through TFFR.

Senator O'Connell said he sponsored the bill that provided for the 13th check. He said his intent was to help the lower income retirees; however, the Internal Revenue Service does not allow TFFR to distinguish between different income levels, so every employee got the extra benefit, regardless of income level.

In response to a question from Representative Louser, Mr. Strom said Segal analysts have developed and maintain Segal's own software used to establish the assumptions used for TFFR. He said Segal uses this software for all its public clients, and Segal spends time with TFFR staff to ensure the accuracy of the data used in calculating these assumptions. He said the TFFR valuation is performed annually and Segal reevaluates the assumptions approximately every five years.

In response to a question from Representative Onstad, Mr. Strom said the assumptions used by Segal do not take into account changing trends in the state's population. He said it might be possible to model changing demographics and how these different scenarios might impact the fund. However, he said, the fund valuations are intended to be a "snapshot" in time. He said his initial response is that if the state is experiencing increases in the size of the student body, this may have a positive impact on the fund.

In response to a question from Representative Louser, Mr. Strom said it is possible that a fund that is 50 percent funded could be healthier than a fund that is 80 percent funded. He said that in a vacuum, it is hard to judge the health of a fund based solely on the funding percentage.

Public Employees Retirement System Valuation Report

Chairman Dever called on Mr. Brad Ramirez, FSA, MAAA, FCA, EA, and Ms. Tammy Dixon, FSA, MAAA, EA, Consulting Actuaries, The Segal Company, Greenwood Village, Colorado, to present the most recent PERS main system, judges' retirement fund, National Guard retirement fund, Highway Patrolmen's retirement fund, and the retiree health benefits fund valuation reports. Mr. Ramirez continued with the computer presentation begun by Mr. Strom. Copies (Appendix E), (Appendix F), (Appendix G), and (Appendix H) of the valuations were provided to the Legislative Council.

In response to a question from Representative Vigesaa, Ms. Dixon said some actuarial firms are using return forecasts of less than 8 percent, Segal is using a forecast of 8 percent, and she is not aware of any firms using a forecast of more than 8 percent.

In response to a question from Chairman Dever, Ms. Dixon said there is not a technical definition of the terms "fully funded" or "funded status." However, she said when Segal uses these terms, it is looking at the current funds in the bank and the fund's expected earnings and how this relates to the amount that will be required in the future. Mr. Ramirez said another way to look at these terms is to consider what would happen if the fund were to shut down today and how much of its obligations it could pay.

Mr. Ramirez said if a plan is 100 percent funded, this would mean the fund is safe. However, he said, if a fund is fully funded, the fund may be subject to complaints that the fund should accept higher risk and higher returns.

In response to a question from Representative Vigesaa, Mr. Sparb Collins, Executive Director, Public Employees Retirement System, explained because the Job Service fund is closed and the retirees are eligible for cost-of-living adjustments, it is necessary that the fund be over-funded to meet these future obligations. He said he anticipated that if at the time the Job Service fund closes there is money remaining in the fund, this will likely go back to the general fund.

Governmental Accounting Standards Board Standards

Chairman Dever called on Mr. Ramirez to review the new requirements and goals of the new Governmental Accounting Standards Board (GASB) standards. Mr. Ramirez continued the computer presentation begun by Mr. Strom.

Bill Draft No. 139

Chairman Dever called on Mr. Ramirez to make technical comments regarding Bill Draft No. 139 [15.0139.02000]. Mr. Ramirez distributed an actuarial analysis (Appendix I) on the bill draft.

Mr. Ramirez said the bill draft affects the PERS hybrid plan. The proposed legislation would align the contribution structure of both member and employer contributions for security officers and firefighters employed by the National Guard with the contribution structure for law enforcement with prior main service members and would add Rule of 85 eligibility for normal retirement benefits to National Guard security officers and firefighters. He said the bill would not have a material impact on the overall actuarial cost of the PERS hybrid plan. He said if assets are transferred between cost groups as a result of the bill, the cost rates associated with those groups could change.

It was moved by Senator O'Connell, seconded by Senator Krebsbach, and carried on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 139 a favorable recommendation. Senators Dever, Kilzer, Krebsbach, O'Connell, and Triplett and Representatives Boehning, Brabandt, Dockter, Haak, Louser, Onstad, and Vigesaa voted "aye." No negative votes were cast.

Bill Drafts Nos. 176 and 189 and Resolution No. 10

The committee reviewed Bill Draft Nos. 176 [15.0176.04000] and 189 [15.0189.03000] and Resolution No. 10 [15.3010.03000], which are measures the interim Government Finance Committee is recommending to the Legislative Management in order to change from a defined benefit to a defined contribution retirement plan. Chairman Dever stated the Employee Benefits Programs Committee will need to consider whether to take jurisdiction over these measures under North Dakota Century Code Section 54-35-02.4.

Chairman Dever called on Mr. Sean B. Smith, Fiscal Analyst, Legislative Council, to review the memorandum *Summary of Bill Draft [15.0176.04000] - Proposed State Retirement Plan Changes*.

In response to a question from Representative Onstad, Mr. Smith said the foundation aid stabilization fund is currently designed to fund schools by offsetting foundation aid reductions.

In response to a question from Representative Onstad, Mr. Smith said he is not able to answer whether state employees prefer defined benefit or defined contribution retirement plans. Representative Onstad said the committee needs to receive this information because attraction and retention issues may arise if we change from a defined benefit to a defined contribution plan and the employees do not like this change.

In response to a question from Chairman Dever regarding what impact this proposed change from defined benefit to defined contribution and the associated unfunded liability might have on the state's financial statements and how the Government Finance Committee reconciled the different projections the committee received from Segal and the committee's consultant, Arthur J. Gallagher & Co., Mr. Smith said he is not able to provide an answer to these questions.

Chairman Dever called on Mr. Collins for technical comments regarding the bill drafts. He said it is important the committee understand the Segal and Gallagher projections are based on an earlier version of Bill Draft No. 176. He said the projections do not include the option of allowing state employees currently participating in the defined benefit plan to move to the new defined contribution plan.

In response to a question from Chairman Dever, Mr. Collins said if the PERS plan is over-funded, it may be possible to move these extra funds to the state general fund. Additionally, he said, there are currently approximately 21,000 employees participating in the defined benefit plan, and approximately 50 percent of these employees are state employees and the remaining 50 percent are political subdivision employees. He said under the existing plan, the state and political subdivision employees are treated as one plan, and under Bill Draft No. 176, this one plan would be split into two plans.

In response to a question from Chairman Dever, Mr. Collins said under existing law, there is an option for new hires to opt to participate in defined contribution instead of defined benefit. He said approximately 5 percent of new hires opt to participate in defined contribution. He said in a recent survey of PERS defined contribution participants, approximately 70 percent expressed a preference to move back to defined benefit.

Representative Vigesaa said he serves on the Government Finance Committee, and when the committee considered the foundation aid stabilization fund as a funding source, it was felt the fund was growing and could support the transfer of extra funds to these two newly created funds as provided for under Bill Draft No. 189.

Chairman Dever said it seems odd under Bill Draft No. 176 to change from defined benefit to defined contribution in January 2016, but to not vote on the funding mechanism under Resolution No. 10 until June 2016.

Senator Triplet asked whether an actuarial review of Bill Draft No. 176 could consider the impact of delaying by one year the closure of the defined benefit plan from 2016 to 2017. Mr. Ramirez indicated this should be possible to include in the actuarial analysis.

Committee Counsel reviewed the committee's statutory charge under Section 54-35-02.4.

Senator Krebsbach said although she thinks House Bill No. 176 will actuarially impact PERS, she questioned the value of spending additional money on an actuarial report when two have already been performed.

Senator Kilzer said regardless of this committee's decision regarding whether to take jurisdiction over any of these proposed measures, he expects both of these bill drafts will be closely monitored and will go through the necessary actuarial reviews.

Chairman Dever said he is concerned there have been two different actuarial reviews and each came up with different numbers.

It was moved by Senator Triplett, seconded by Representative Louser, and carried on a roll call vote that the committee take jurisdiction over Bill Draft No. 176. Senators Dever and Triplett and Representatives Boehning, Brabandt, Dockter, Haak, Louser, Onstad, and Vigesaa voted "aye." Senators Kilzer, Krebsbach, and O'Connell voted "nay."

The committee did not take any action to take jurisdiction over Bill Draft No. 189 or Resolution No. 10.

Bill Draft No. 140

Chairman Dever called on Ms. Kopp to make technical comments regarding Bill Draft No. 140 [15.0140.02000]. Ms. Kopp distributed an actuarial analysis (Appendix J) of the bill draft. The actuarial analysis prepared by Segal provides in various sections of Chapter 15-39.1, the bill draft would automatically update federal compliance provisions of the TFFR plan regarding Internal Revenue Code Sections 401(a)(17), 401(a)(9), 401(a)(31), 402(c), and 415(b), (d), and (n), as amended, and would also automatically update Internal Revenue Code sections relating to salary reduction or salary deferral amounts, including Internal Revenue Code Sections 125, 132(f), 401(k), 403(b), 414(h), and 457, as amended. The actuarial analysis provides the bill draft would have an immaterial actuarial cost impact on TFFR.

It was moved by Senator Krebsbach, seconded by Senator O'Connell, and carried on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 140 a favorable recommendation. Senators Dever, Kilzer, Krebsbach, O'Connell, and Triplett and Representatives Brabandt, Dockter, Haak, Louser, Onstad, and Vigesaa voted "aye." No negative votes were cast.

Bill Draft No. 136

Chairman Dever called on Mr. Ramirez to provide technical comments regarding Bill Draft No. 136 [15.0136.03000]. Mr. Ramirez distributed an actuarial analysis (Appendix K) of the bill draft. The actuarial analysis prepared by Segal provides the bill draft would revise the definition of "salary" in the Highway Patrolmen's retirement system to exclude expense allowances; automatically update federal compliance provisions of the PERS hybrid plan, Highway Patrolmen's retirement system, and defined contribution plan regarding Internal Revenue Code Sections 401(a)(17), 401(a)(9), 401(a)(31), 415(b) and (d), and 402(c)(4), as amended, in Sections 39-03.1-11.2, 54-52-28, and 54-52.6-21; update federal compliance provisions for qualified military service in the PERS hybrid plan, Highway Patrolmen's retirement system, and defined contribution plan to comply with required amendments under the federal Heroes Earnings Assistance and Tax Relief Act of 2008 (HEART Act) in Sections 54-52-17.14, 39-03.1-10.3, and 54-52.6-09.4; require that employees of participating political subdivisions be enrolled in the PERS hybrid plan within the first month of eligible employment and that retirees returning to work must reenroll in the plan or permanently waive future participation in the plan within the first month of reemployment; provide clarifying language regarding determination of final average salary for participants in the Highway Patrolmen's retirement system and temporary employees in the PERS hybrid plan; and provide clarifying language indicating that the three eligible years of employment required to reach normal retirement date for a National Guard security officer or firefighter, a peace officer, or a correctional officer does not have to be earned in that specific job classification. The actuarial analysis provided the bill would not have a significant actuarial cost impact on the PERS hybrid plan or the Highway Patrolmen's retirement system.

It was moved by Representative Vigesaa, seconded by Senator O'Connell, and carried on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 136 a favorable recommendation. Senators Dever, Kilzer, Krebsbach, O'Connell, and Triplett and Representatives Boehning, Brabandt, Dockter, Haak, Louser, Onstad, and Vigesaa voted "aye." No negative votes were cast.

Bill Draft No. 137

Chairman Dever called on Mr. Ramirez for technical comments regarding Bill Draft No. 137 [15.0137.02000]. Mr. Ramirez distributed an actuarial analysis (Appendix L) of the bill draft. The actuarial analysis prepared by Segal provides the bill draft would increase both the employer contribution rates and the member contribution rates that are mandated by statute in the PERS hybrid plan (main only) and defined contribution plan by 1 percent of the member's monthly salary beginning January 2016. The bill would also adjust member contribution rates for the following groups:

- Peace officers in the PERS hybrid plan employed by the Bureau of Criminal Investigation, for which member contributions would decrease by 0.5 percent of monthly salary, rather than increase. While not part of the bill, the consulting actuary assumed the employer contributions will not decrease in 2016 unless approved by the PERS Retirement Board; and
- Temporary employees in the PERS hybrid plan and defined contribution plan, for which the member contribution rate would increase by 2 percent of monthly salary in 2016, instead of 1 percent.

The bill would also make the following benefit modifications for hybrid plan members (except for National Guard security officers, peace officers, or correctional officers employed by the Bureau of Criminal Investigation or by a political subdivision, or a Supreme Court or district court judge) first enrolled after December 31, 2015:

- Final average salary would be based on the 5 highest periods of 12 consecutive months employed during the last 180 months immediately preceding retirement, excluding months without earnings. Currently, final average salary is based on the highest salary for any 36 months employed within the last 180 months of employment, with no requirement for any months to be consecutive;
- The minimum age at which unreduced benefits could begin (normal retirement date) would be increased to a combined total of years of service credit and years of age equal to 90 where a member is at least 60 years old (Rule of 90). Currently, normal retirement age requires attaining a Rule of 85 with no minimum age; and
- The early retirement reduction would be changed from an actuarial reduction to account for benefit payment before normal retirement date to a fixed rate of 8 percent per year benefit payments begin before normal retirement date.

The actuarial report provides the bill draft would positively affect the current funding level of the PERS hybrid plan.

Representative Boehning said he is concerned the bill draft would negatively impact political subdivisions and they would have increased tax obligations under this bill draft.

Mr. Collins distributed a document (Appendix M) setting out the near-term cost under the bill draft and the long-term cost difference between doing nothing or moving forward under the bill draft.

It was moved by Senator Krebsbach, seconded by Senator Triplett, and failed on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 137 a favorable recommendation. Senators Dever, Kilzer, Krebsbach, O'Connell, and Triplett and Representative Dockter voted "aye." Representatives Boehning, Brabandt, Haak, Louser, Onstad, and Vigesaa voted "nay."

Senator Krebsbach said the bill draft provides for smart use of money today to save money in the long term.

Representative Boehning questioned whether state employees will receive a raise to help cover this increased employee contribution.

It was moved by Representative Boehning that the committee give Employee Benefits Programs Committee Bill Draft No. 137 an unfavorable recommendation. The motion failed for lack of a second.

It was moved by Senator O'Connell, seconded by Representative Dockter, and carried on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 137 no recommendation. Senators Dever, Krebsbach, O'Connell, and Triplett and Representatives Boehning, Brabandt, Dockter, Haak, Louser, Onstad, and Vigesaa voted "aye." Senator Kilzer voted "nay."

Bill Draft No. 117

The committee reviewed Bill Draft No. 117 [15.0117.02000] and reviewed the actuarial analysis (Appendix N) prepared by Deloitte Consulting LLP. Committee Counsel distributed a revised version of the bill draft [15.0117.04000] per the request of the sponsor, Representative Andrew G. Maragos.

It was moved by Senator O'Connell, seconded by Representative Dockter, and carried on a roll call vote that the committee take jurisdiction over revised Bill Draft No. 117. Senators Dever, Kilzer, Krebsbach, O'Connell, and Triplett and Representatives Boehning, Brabandt, Dockter, Haak, Louser, Onstad, and Vigesaa voted "aye." No negative votes were cast.

Bill Draft No. 79

Chairman Dever called on Mr. Collins for technical comments regarding Bill Draft No. 79. Mr. Collins distributed a copy (Appendix O) of the actuarial analysis prepared by Deloitte. He said the bill draft requires the medical benefits coverage of services provided by the health care provider by means of telemedicine to be the same as the medical benefits coverage for the same services provided by the health care provider in-person. He said the actuarial analysis provides there are many different ways and mediums by which telemedicine is delivered today and there will likely continue to be additional advances in this regard. He said the current PERS medical benefits cover health care facility-based services from provider to members, and a representative of Blue Cross Blue Shield of North Dakota has therefore stated that there would be no cost impact if the coverage parameters are not changed. However, he said, a representative of Blue Cross Blue Shield of North Dakota has stated that if the intent is to expand coverage of telemedicine mediums other than what is currently covered, there may be additional cost to the plan. He said telemedicine providers claim impressive returns on investment; however, the equipment can be expensive. Therefore, he said, the services and mediums by which telemedicine is delivered need to be specifically considered and defined in the plan.

It was moved by Representative Dockter, seconded by Senator Krebsbach, and carried on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 79 a favorable recommendation. Senators Dever, Kilzer, Krebsbach, O'Connell, and Triplett and Representatives Boehning, Brabandt, Dockter, Haak, Louser, Onstad, and Vigesaa voted "aye." No negative votes were cast.

Bill Draft No. 43

Chairman Dever called on Mr. Ramirez to make technical comments regarding Bill Draft No. 43 [15.0043.02000]. He distributed an actuarial analysis (Appendix P) prepared by Segal. He said the bill draft would allow current active defined contribution participants the option to participate in the PERS hybrid plan. He said this election would take place during a three-calendar-month period beginning no later than February 1, 2016. He said participants' defined contribution accumulated fund balances (less rollovers) would be transferred to the PERS hybrid plan, and the participant would be credited with benefits as if they had always participated in the PERS hybrid plan. He said the opportunity for defined contribution plan participants to participate in the hybrid plan is limited only to currently active employees with a participating employer whose defined contribution plan account balances are not subject to any court order, such as a qualified domestic relations order.

He said the actual analysis provides the bill draft will have an actuarial cost impact on the hybrid plan. He said due to the transfer of funds and the crediting of service, both the assets and the liabilities would increase as a result of the transfer. He said it is difficult to predict which participants will elect to participate in the hybrid plan. However, he said, previous analysis has concluded that for nearly all defined contribution plan members, the account balance is less than the actuarial present value of comparable service under the hybrid plan. For this reason, he said, it is assumed that 100 percent of defined contribution participants will elect to transfer in this analysis.

He said based upon analysis, the unfunded actuarial accrued liability for members as of July 1, 2014, would be $40,506,274 offset by assets from the existing defined contribution plan of $27,952,921. He said if this were to be amortized using the current 20-year policy of the PERS plan for main members, the required annual contribution would be $876,102. He said in addition to this amortization amount, the annual employer normal cost (total normal cost less member contributions) would be $625,374. He said this would result in an annual required employer contribution of $1,501,476 on behalf of the defined contribution plan participants, which is approximately 8.5 percent of defined contribution plan participant payroll (a total of 15.5 percent of payroll including employee contributions). He said this is based on the projected annual payroll of $17,575,003 for defined contribution plan members.

He said if these participants were allowed to enter the PERS plan and were subject to the same contributions as current PERS main members, the resulting 14.12 percent of pay contribution would be approximately 1.38 percent of payroll less than actuarially required for these participants. He said under the recommended 16.12 percent of contribution, the addition of these members would result in an actuarial gain to the system.

It was moved by Representative Onstad, seconded by Senator Triplett, and failed on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 43 a favorable recommendation. Senators Dever, O'Connell, and Triplett and Representatives Haak and Onstad voted "aye." Senators Kilzer and Krebsbach and Representatives Boehning, Brabandt, Dockter, Louser, and Vigesaa voted "nay."

It was moved by Senator O'Connell, seconded by Representative Onstad, and carried on a roll call vote that the committee give Employee Benefits Programs Committee Bill Draft No. 43 no recommendation. Senators Dever, Krebsbach, O'Connell, and Triplett and Representatives Dockter, Haak, Onstad, and Vigesaa voted "aye." Senator Kilzer and Representatives Boehning, Brabandt, and Louser voted "nay."

Uniform Group Insurance Plan

Chairman Dever called on Mr. Collins to provide a brief update on the status of the PERS uniform group insurance plan. Mr. Collins said PERS recently received and rejected two bids on the uniform group insurance plan. He said PERS is issuing a new bid for a fully insured plan and when that bidding period closes in three weeks he should be able to provide the committee with an update.

COMMITTEE WORK

Chairman Dever reviewed the committee's charge under Section 54-35-02.4, focusing on bill introduction and amendment and the consequences of failure to follow the section. The committee discussed the procedure the committee has taken during previous legislative sessions and what procedure the committee should take during the upcoming session.

Committee counsel said she will prepare committee reports to be attached to the bill drafts over which the committee took jurisdiction this interim. She said she will include the Legislative Council tracking number on the committee report, and this may be challenging if a bill is introduced by a different sponsor but is otherwise identical to the bill draft reviewed by the committee. She said she will try to draft the committee report in a way that allows for such circumstances to occur.

Chairman Dever said he will plan to hold the next committee meeting Tuesday, December 2 at 11:00 a.m.

It was moved by Representative Boehning, seconded by Senator O'Connell, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and to present the report to the Legislative Management.

No further business appearing, Chairman Dever adjourned the meeting at 2:55 p.m.

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Jennifer S. N. Clark
Counsel

ATTACH:16