

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE COUNCIL

Monday, May 5, 1997
Harvest Room, State Capitol
Bismarck, North Dakota

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

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

Others present: Loren Stadig, IDA - United Power Association, Bismarck;

Jess Cooper, Greater North Dakota Association, Bismarck;

Susan Beehler, R-KIDS, Mandan;

Don Davis, Bismarck Tribune, Bismarck;

Lynette Pederson, Northern States Power, Fargo;

Darin Langerud, NDARB, Bismarck;

Michael Lindblom, KFYZ-TV, Bismarck;

Dennis Boyd, MDU Resources Group, Bismarck;

James O. Coats, State Representative, Mandan;

Dale Wetzel, Associated Press, Bismarck;

Bill Nowling, Bismarck;

Ken Bertsch, North Dakota Farm Bureau, Bismarck;

Tim Reiten, KXMB-TV, Bismarck;

Dave Thompson, Prairie Public Radio, Bismarck;

Paul Worlie, North Dakota Democratic - NPL Party, Bismarck;

Mark Johnson, North Dakota Association of Counties, Bismarck;

Jay E. Buringrud, Chester E. Nelson, Jr.; Legislative Council, Bismarck

It was moved by Senator Robinson, seconded by Representative Dorso, and carried to dispense with the reading of the minutes of the April 11, 1997, meeting and to approve the minutes as distributed.

Chairman Nelson called on the director, who announced that each member of the Council had received a memorandum on legislation specifically relating to the Legislative Council, a memorandum on Legislative Council studies and resolutions arranged according to subject matter, a memorandum listing Legislative Council studies in numerical order and providing information on prior studies, a copy of the supplemental rules of procedure of the Legislative Council, and a looseleaf binder containing all bills and resolutions calling for studies arranged in numerical order.

The director provided information on the number of studies and committees approved in recent

bienniums. He said during the 1995-96 interim there were 26 resolutions and 16 bills that were given priority, and the Council had 23 interim committees including the Advisory Commission on Intergovernmental Relations and the Regulatory Reform Review Commission. By comparison, he said, during other recent interims the number of bills and resolutions calling for studies have ranged from 42 to 52 and the number of interim committees have ranged from 20 to 25.

The director said the Legislative Council has statutory authority to set the date for the convening of the regular legislative session within limitations provided by law. He said the Legislative Council had used that authority to set the date of convening of the 1997 session, and if no action is taken the 1999 session would begin on Tuesday, January 5, 1999.

Chairman Nelson outlined the procedures to be followed at this meeting. He said if too many studies are given priority and assigned to committees, the committees end up prioritizing those studies and it is preferable if the Legislative Council carries out that responsibility. He said the following questions should be asked regarding each study:

1. Is there a legislative solution to the problem?
2. Is there a reasonable opportunity for change, or are the solutions out of reach?
3. If there is a legislative solution, is that solution simply providing money, and if so, do we need a study?
4. Was there a recent study of the subject and did it result in anything substantial?
5. Can someone else, such as in the executive branch, perform the study more efficiently?

Chairman Nelson said during the last interim the Legislative Council had 23 committees including the Advisory Commission on Intergovernmental Relations and the Regulatory Reform Review Commission. He said there were 74 potential studies for this interim. He said the Legislative Council would proceed using the memorandum that describes studies in numerical order, and he would accept motions on each study as that study was described. He said a voice vote would be taken on each motion, and at the conclusion of the meeting a motion would be in order to take a roll call vote approving the studies that had been given priority on voice votes.

In response to a question from Senator Mathern, Chairman Nelson said the goal should be to have approximately the same number of committees as

during the last interim. The director said the legislative budget for the next biennium includes funding for the same number of committees as the Legislative Council had the last interim.

In response to a question from Representative Glassheim, Chairman Nelson said the Legislative Council has authority to expand studies and initiate new studies.

The Council reviewed Section 31 of House Bill No. 1012, calling for a study of the monitoring of North Dakota's welfare reform implementation efforts to determine the effectiveness of welfare reform. It was noted that Section 82 of House Bill No. 1226 requires a study of the implementation of the temporary assistance for needy families program. **It was moved by Representative Dorso, seconded by Senator Mathern, and carried that the Council give priority to Section 31 of House Bill No. 1012.**

The Council reviewed Section 32 of House Bill No. 1012, calling for a study of basic care rate equalization, including the cost impacts to the state and private pay residents. Representative Dorso noted that there were a number of studies related to long-term care. **It was moved by Representative Dorso, seconded by Senator Robinson, and carried that the Council give priority to Section 32 of House Bill No. 1012.**

The Council reviewed Section 19 of House Bill No. 1015, calling for a study of public employee health insurance benefits. In addition to the concern that has been expressed concerning the availability of exclusive provider organizations to all covered employees, Representative Dorso said the state was paying \$10 million more for health insurance in the next biennium, and utilization should be reviewed. **It was moved by Representative Belter, seconded by Senator Stenehjem, and carried that the Council give priority to Section 19 of House Bill No. 1015.**

The Council reviewed Section 20 of House Bill No. 1015, calling for a study of the utilization of telemedicine in this and other states. Representative Glassheim said the Hospital Association is interested in having the Legislative Council conduct this study. Representative Dorso said perhaps the medical providers could bring in legislation with their recommendations. **It was moved by Senator Mathern, seconded by Representative Glassheim, and defeated that the Legislative Council give priority to Section 20 of House Bill No. 1051.** Chairman Nelson announced that the defeat of the motion to give priority had the effect of a motion to not give priority.

The Council reviewed Section 2 of House Bill No. 1024, calling for a study of the coordination of efforts of the Department of Tourism, Department of Parks and Recreation, Department of Economic Development and Finance, State Historical Society, and Council on the Arts to maximize their effectiveness by providing unified services to enhance the state's public image. Representative Wald said he had cosponsored a bill to combine several of these

agencies, but now he is opposed to that idea. Senator Robinson said combining the Game and Fish Department with several of these agencies has been the controversial portion that is not a part of this study. In response to a question from Senator Freborg, Chairman Nelson said these agencies have the authority to cooperate now. **It was moved by Senator Robinson, seconded by Senator Mathern, and defeated that the Council give priority to Section 2 of House Bill No. 1024.**

Chairman Nelson announced that Section 14 of House Bill No. 1041, calling for a study of the provision of child support services and child care licensing in this state, is a required study and no motion would be required.

Chairman Nelson announced that Section 22 of House Bill No. 1167, calling for a study of the charitable gaming laws and rules, was also a required study.

The Council reviewed Section 82 of House Bill No. 1226, calling for a study of the implementation of the temporary assistance for needy families program, and it was noted that this was also a required study.

The Council reviewed House Bill No. 1237, calling for a required study of the impact of competition on the generation, transmission, and distribution of electric energy within this state.

The Council reviewed Section 27 of Senate Bill No. 2004, calling for a study of emergency medical services. **It was moved by Senator Mathern, seconded by Representative Oban, and carried that the Council give priority to Section 27 of Senate Bill No. 2004.**

The Council reviewed Section 10 of Senate Bill No. 2016, calling for a study of programs to prevent crime and delinquency and reduce incarceration. **It was moved by Representative Boucher, seconded by Representative Oban, and carried that the Council give priority to Section 10 of Senate Bill No. 2016.**

The Council reviewed Section 12 of Senate Bill No. 2019, calling for a study of the economic development functions in this state, including the Bank of North Dakota programs, Technology Transfer, Inc., the North Dakota development fund, the Department of Economic Development and Finance, and other related state agencies. Representative Dorso questioned whether there is a need for this study. Representative Wald noted that House Concurrent Resolution No. 3002 calls for a study of the state's investment process. Senator Robinson traced the discussion of this subject during the session and noted that there are varied opinions as to how the state's economic development functions should be handled. He said perhaps it is time to revisit this issue prior to the next session. Representative Dorso said there are differences between the executive and legislative branches on this issue, and it is questionable whether a study will resolve those differences. Representative Oban said the legislative branch should take the initiative on this subject.

Senator Robinson said perhaps the Legislative Assembly can have an impact and now might be a good time to review this matter because the Department of Economic Development and Finance will have a new director. **It was moved by Senator Robinson, seconded by Senator Yockim, and carried that the Council give priority to Section 12 of Senate Bill No. 2019.**

The Council reviewed Section 15 of Senate Bill No. 2064, calling for a study of the feasibility and desirability of including the Extension Service and research centers appropriations in the same appropriations bill as other entities of the University System. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the Council not give priority to Section 15 of Senate Bill No. 2064.**

The Council reviewed Section 16 of Senate Bill No. 2064, relating to a study of alternative methods of governing and delivering soil conservation services in the state. It was noted that Senate Bill No. 2064 put the staffing of the Soil Conservation Committee under the Extension Service. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the Council not give priority to Section 16 of Senate Bill No. 2064.**

The Council reviewed Section 4 of Senate Bill No. 2338, which requires a study of education finance.

The Council reviewed House Concurrent Resolution No. 3001, calling for a study of the feasibility and desirability of funding the office of the clerk of district court through the unified judicial system. **It was moved by Senator Stenehjem, seconded by Representative Dorso, and carried that the Council give priority to House Concurrent Resolution 3001.**

The Council reviewed House Concurrent Resolution No. 3002, calling for a study of the state's investment process as it relates to the state bonding fund and the fire and tornado fund and to monitor the performance of all investments of the State Investment Board and the Board of University and School Lands. It was noted that other funds have had a better rate of return than the state bonding fund and the fire and tornado fund. **It was moved by Representative Dorso, seconded by Senator Robinson, and carried that the Council give priority to House Concurrent Resolution No. 3002.**

The Council reviewed House Concurrent Resolution No. 3003, calling for a study to monitor the implementation of the projects developed by the Department of Human Services related to the conversion of existing nursing facility or basic care capacity for use by the Alzheimer's and related dementia population and the testing of an expanded case management system for elderly persons and disabled persons. Senator Yockim said because the nature of the type of care required for Alzheimer's patients is changing, there is a need to monitor this subject. **It was moved by Senator Yockim, seconded by Senator Mathern, and carried that the**

Council give priority to House Resolution No. 3003.

The Council reviewed House Concurrent Resolution No. 3004, relating to a study of the means of expanding home and community-based services for elderly and disabled persons. **It was moved by Senator Yockim, seconded by Representative Oban, and carried that the Council give priority to House Concurrent Resolution No. 3004.**

The Council reviewed House Concurrent Resolution No. 3005, relating to a study of American Indian long-term care needs and access to appropriate services and the functional relationship between state service units and the American Indian reservation service system. **It was moved by Senator Mathern, seconded by Senator Yockim, and carried that the council give priority to House Concurrent Resolution No. 3005.**

The Council reviewed House Concurrent Resolution No. 3006, relating to a study of long-term care financing issues to determine the changes necessary to develop alternative services and the feasibility of a managed care system for long-term care services. **It was moved by Representative Wald, seconded by Representative Glassheim, and carried that the Council give priority to House Concurrent Resolution No. 3006.**

The Council reviewed House Concurrent Resolution No. 3008, relating to a study of the emergency medical services system. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3008.**

The Council reviewed House Concurrent Resolution No. 3020, calling for a study of airline service in this state. Representative Glassheim noted the lack of air service between Grand Forks and Bismarck. He said perhaps a study could review whether a subsidy would be feasible and the cost and benefits could be reviewed. Representative Belter said the Aeronautics Commission has a good deal of information on this subject now. **It was moved by Representative Wald, seconded by Representative Belter, and carried that the Council not give priority to House Concurrent Resolution No. 3020.**

The Council reviewed House Concurrent Resolution No. 3028, relating to a study of the feasibility and desirability of establishing a state department of commerce. **It was moved by Representative Wald, seconded by Senator Robinson, and carried that the Council not give priority to House Concurrent Resolution No. 3028.**

The Council reviewed House Concurrent Resolution No. 3030, calling for a study of the development of a strategic planning process for the future of public health in this state. Representative Wald said this subject has been studied, and he questioned what could be accomplished by another study. Senator Mathern said health care providers are moving out of rural areas, and there is a need to look

to the future of health care in rural North Dakota. **It was moved by Senator Mathern, seconded by Senator Yockim, and carried that the Council give priority to House Concurrent Resolution No. 3030.**

The Council reviewed House Concurrent Resolution No. 3031, relating to a study of issues of fairness and equity as they relate to child support guidelines and the issuance and enforcement of child custody and visitation orders. Representative Dorso said the administrative rules on child support guidelines have been an issue over which there is much disagreement within the Legislative Assembly. He said there are also legal issues regarding visitation rights. Senator Stenehjem said the issues in House Bill No. 1226 are quite different from the issues related to the guidelines, and there should be one committee studying child support issues. Senator Yockim said welfare reform puts more pressure on the child support system, and he said the Department of Human Services is in the middle of all child support cases. Senator Nelson said he understands the Department of Human Services is planning to review the guidelines in 1998. He said he gets more constituent calls on this issue than any other. **It was moved by Senator Stenehjem, seconded by Senator Yockim, and carried that the Council give priority to House Concurrent Resolution No. 3031.**

The Council reviewed House Concurrent Resolution No. 3032, relating to the responsibility of county social services as they are distinguished from the responsibilities of regional human service centers. **It was moved by Senator Yockim, seconded by Senator Mathern, and carried that the Council give priority to House Concurrent Resolution No. 3032.**

The Council reviewed House Concurrent Resolution No. 3033, calling for a study of the effects of managed health care on the future viability of the health care delivery system in rural North Dakota. **It was moved by Senator Robinson, seconded by Representative Boucher, and carried that the Council give priority to House Concurrent Resolution No. 3033.**

The Council reviewed House Concurrent Resolution No. 3034, calling for a study of the impact of divorce on children and issues of equity and fairness as they relate to custody determinations, visitation orders, and child support obligations. **It was moved by Senator Stenehjem, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3034.**

The Council reviewed House Concurrent Resolution No. 3035, calling for a study of the criteria and the manner in which the criteria is applied by the Education Standards and Practices Board in certifying teachers. Senator Freborg said he is not sure what a study would accomplish on this subject. **It was moved by Senator Freborg, seconded by Senator Yockim, and carried that the Council not give priority to House Concurrent Resolution No. 3035.**

The Council reviewed House Concurrent Resolution No. 3037, calling for a study of the feasibility and desirability of providing property tax relief through alternative state and local revenue sources. Senator Freborg said the Education Finance Committee will be reviewing issues related to the property tax under Senate Bill No. 2338. Representative Belter said this should be a study assigned to a tax committee. Representative Wald questioned the need for another study on this subject, but he said if it is studied it should be assigned to a tax committee. Representative Gulleason said this subject should be studied by a tax committee, and she said because the property tax is very burdensome and because property does not necessarily generate income, the Council should give priority to this study. **It was moved by Senator Freborg, seconded by Representative Glassheim, and carried that the Council give priority to House Concurrent Resolution No. 3037.**

The Council reviewed House Concurrent Resolution No. 3038, relating to a study of assessment and taxation of mobile homes, park model trailers, recreational vehicles, and similar housing alternatives. **It was moved by Representative Belter, seconded by Representative Gulleason, and carried that the Council not give priority to House Concurrent Resolution No. 3038.**

The Council reviewed House Concurrent Resolution No. 3039, calling for a study of the relationship between state general fund revenue gains from economic growth and losses from providing income tax incentives for investment in value-added agricultural processing. Representative Gulleason said there is a need to find answers to questions on the return that results from tax incentives. Representative Boucher said there is a need to determine the effect of incentives, including the benefit to taxpayers, and he said this is a matter of equity. Representative Timm said the Taxation Committee looked at this subject last interim but came to no conclusions. Representative Oban said there is virtually no information concerning the kind of return that results from tax incentives. **It was moved by Representative Belter, seconded by Representative Dorso, and carried that the Council not give priority to House Concurrent Resolution No. 3039.**

The Council reviewed House Concurrent Resolution No. 3040, calling for a study of truancy laws. Representative Wald said this is a local issue. **It was moved by Representative Wald, seconded by Senator Freborg, and carried that the Council not give priority to House Concurrent Resolution No. 3040.**

The Council reviewed House Concurrent Resolution No. 3042, calling for a study of the Department of Human Services. Representative Dorso said this study looks to the entire structure of the Department of Human Services and the management of programs by that department. He said

this subject is separate from the implementation of welfare reform. **It was moved by Representative Dorso, seconded by Representative Oban, and carried that the Council give priority to House Concurrent Resolution No. 3042.**

The Council reviewed House Concurrent Resolution No. 3043, calling for a study of the feasibility and desirability of implementing hail suppression programs. In response to a question from Senator Krebsbach, Representative Wald said there have been several storms that have resulted in major damage from hail in various communities in the last few years. He said the insurance companies are losing money on property insurance coverage, and at least one company has pulled out of the state as a result. He said there will be consequences on property owners resulting from the losses that have been experienced by the industry. He noted there have been successful hail suppression programs in Canada, and he said perhaps a small increase in the premium tax might cover the costs of a hail suppression program. He said property insurance premiums are going to go up regardless of whether anything is done. In response to a question from Representative Dorso, Representative Wald said this should be a statewide program, and local mill levies cannot solve the problem. **It was moved by Representative Wald, seconded by Senator Yockim, and carried that the Council give priority to House Concurrent Resolution No. 3043.**

The Council reviewed House Concurrent Resolution No. 3044, relating to a study of the impact of tax-exempt property on school districts. Senator Freborg said discussions of equity in school finance always involve discussion of property tax exemptions. **It was moved by Senator Freborg, seconded by Senator Yockim, and carried that the Council give priority to House Concurrent Resolution No. 3044.**

The Council reviewed House Concurrent Resolution No. 3045, calling for a study of the current budget process and the results of the program-based performance budgeting pilot projects. Chairman Nelson said some of the program-based performance budgeting pilot projects conducted in the past have been successful, while others require more time. Senator Robinson said it may be time to indicate some of these programs should be concluded. Representative Dorso said the problem is that the legislative branch has little input in determining the performance standards. He noted that the Workers Compensation Bureau had standards established by the Legislative Assembly and the result has been improved performance. **It was moved by Representative Wald, seconded by Senator Robinson, and carried that the Council give priority to House Concurrent Resolution No. 3045.**

The Council reviewed House Concurrent Resolution No. 3046, calling for a study of the availability of affordable housing for middle income households, for the elderly and in rural areas of this state. Senator Stenehjem said housing is a serious

problem in the Grand Forks area as a result of the flood. He said the Legislative Council should look for a long-term solution, and he said it is not just middle income people who will be severely affected by the crisis in the Grand Forks area. **It was moved by Senator Stenehjem, seconded by Senator Mathern, and carried that the Council give priority to House Concurrent Resolution No. 3046 and that the study be expanded to include all income levels.**

The Council reviewed House Concurrent Resolution No. 3047, calling for a study of the standards for the accreditation of elementary and secondary schools. **It was moved by Senator Freborg, seconded by Representative Glassheim, and carried that the Council not give priority to House Concurrent Resolution No. 3047.**

The Council reviewed House Concurrent Resolution No. 3049, calling for a study of additional improvements to the legislative process that ensure an accessible, productive citizen legislature. Senator Mathern said the Legislative Council should continue its review of the legislative process. Chairman Nelson said the Legislative Management Committee will continue to review the process whether or not a resolution is approved. **It was moved by Representative Belter, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3049.**

The Council reviewed House Concurrent Resolution No. 3052, calling for a study of the property tax exemption for charitable organizations. Representative Dorso said local officials often do not review exemptions once they have been granted. Representative Boucher said all local political subdivisions should have input regarding property tax exemptions, and he noted that schools are directly affected by decisions relating to property tax exemptions. Representative Dorso said some nonprofit organizations have tax-exempt property that is leased to for-profit entities. Senator Yockim said the practices vary county by county and in his county the law is strictly enforced. **It was moved by Representative Glassheim, seconded by Senator Yockim, and carried that the Council give priority to House Concurrent Resolution No. 3052.**

The Council reviewed Senate Concurrent Resolution No. 4001, relating to the monitoring of mental health and foster care services. Representative Dorso noted that there have been numerous studies on this subject in the past. Senator Robinson said continued monitoring is needed to determine progress that is being made in this sensitive area. In response to a question from Senator Robinson, it was noted that a consultant for a prior study had advised continuing review by a legislative committee of this subject. Senator Yockim said out-of-county placement of juveniles is very expensive and there should be a review of alternatives concerning juvenile services. **It was moved by Senator**

Robinson, seconded by Senator Mathern, and carried that the Council give priority to Senate Concurrent Resolution No. 4001.

The Council reviewed Senate Concurrent Resolution No. 4002, calling for a study of North Dakota Century Code Title 15 relating to elementary and secondary education. Senator Freborg said this is a necessary study. **It was moved by Senator Freborg, seconded by Representative Timm, and carried that the Council give priority to Senate Concurrent Resolution No. 4002.**

The Council reviewed Senate Concurrent Resolution No. 4004, calling for a study of methods through which North Dakota and South Dakota can collaborate to deliver government services more efficiently. It was noted the South Dakota Legislature did not pass a similar resolution this year. Chairman Nelson said progress was made during the last interim concerning cooperation between the states, but there is a problem between the branches of government in South Dakota which prevents continued progress. **It was moved by Representative Wald, seconded by Representative Belter, and carried that the Council not give priority to Senate Concurrent Resolution No. 4004.**

The Council reviewed Senate Concurrent Resolution No. 4014, calling for a study of the feasibility and desirability of restructuring county government. Senator Yockim said this would be a timely review of tool chest legislation and other areas of cooperation for local government. Senator Krebsbach said the Legislative Assembly can help develop the process for cooperation among local governmental units. Representative Dorso said counties currently have authority to cooperate, and he questioned what the Legislative Assembly could do to encourage cooperation. **It was moved by Representative Wald, seconded by Senator Stenehjem, and defeated that the Council not give priority to Senate Concurrent Resolution No. 4014. It was moved by Senator Krebsbach, seconded by Senator Yockim, and carried that the Council give priority to Senate Concurrent Resolution No. 4014.** In response to a question, Senator Yockim said he would like to revisit this subject later in the meeting to determine whether this study should be conducted by a Legislative Council committee or whether it should be referred to the Advisory Commission on Intergovernmental Relations.

The Council reviewed Senate Concurrent Resolution No. 4017, calling for a study of legislative employee compensation. **It was moved by Senator Mathern, seconded by Senator Robinson, and carried that the Council give priority to Senate Concurrent Resolution No. 4017.**

The Council reviewed Senate Concurrent Resolution No. 4019, calling for a study of the adequacy of transportation funding in this state. Representative Dorso said the executive branch should take the lead and make recommendations concerning transportation funding. **It was moved by**

Senator Stenehjem, seconded by Senator Robinson, and carried that the Council give priority to Senate Concurrent Resolution No. 4019.

The Council reviewed Senate Concurrent Resolution No. 4020, calling for a study and the development of a long-range plan for the investigatory and penological support mechanisms of the criminal justice system including a review of placement of the State Crime Laboratory with the Attorney General as provided in Section 29 of Senate Bill No. 2004. **It was moved by Representative Wald, seconded by Senator Yockim, and carried that the Council not give priority to Senate Concurrent Resolution No. 4020.**

The Council reviewed Senate Concurrent Resolution No. 4021, calling for a study of participation in the Teachers' Fund for Retirement by retired persons who have resumed teaching. In the discussion concerning this resolution, it was noted that the consulting actuary had noted that this proposal could endanger the qualified status of the Teachers' Fund for Retirement. Representative Wald said he wondered why the Internal Revenue Service could not be asked for a ruling on this issue to answer that question. **It was moved by Senator Stenehjem, seconded by Representative Wald, and carried that the Council not give priority to Senate Concurrent Resolution No. 4021.**

The Council reviewed Senate Concurrent Resolution No. 4023, calling for a study of the process of privatization and contracting for public sector services. Representative Wald said this study could be extremely broad unless it were limited to specific subjects. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the Council not give priority to Senate Concurrent Resolution No. 4023.**

The Council reviewed Senate Concurrent Resolution No. 4024, relating to a study of the development of an electronic mail and records management policy for governmental entities. Representative Dorso said each state agency is to develop plans for information technology under House Bill No. 1034. Chairman Nelson said this study could perhaps be referred to the same committee that has jurisdiction of information technology under House Bill No. 1034. **It was moved by Senator Mathern, seconded by Senator Krebsbach, and carried that the Council give priority to Senate Concurrent Resolution No. 4024.**

The Council reviewed Senate Concurrent Resolution No. 4025, calling for a study of the effects of sexual abuse on child victims, strategies to assist child victims and the parents of child victims, the use and effectiveness of the mandatory reporting law, effective deterrents, and the need for training of professionals and school personnel in the recognition of victims and in prevention activities. **It was moved by Representative Wald, seconded by Representative Belter, and defeated that the Council not give priority to Senate Concurrent**

Resolution No. 4025. It was moved by Representative Boucher, seconded by Senator Krebsbach, and carried that the Council give priority to Senate Concurrent Resolution No. 4025.

The Council reviewed Senate Concurrent Resolution No. 4026, calling for a study of the feasibility and desirability of establishing a statewide domestic violence task force to address domestic violence prevention issues and adopt a statewide domestic violence prevention strategy. Representative Boucher said that perhaps this study could be referred to the same committee that studies Senate Concurrent Resolution No. 4025. Senator Mathern said there are various alternatives that should be studied concerning this issue. Senator Stenehjem said the Attorney General and the Governor both have domestic violence programs, and there may be a need to coordinate these programs. Representative Gullekson said there is confusion in programs which perhaps should indicate this subject should be studied. Representative Dorso said there are few domestic cases presented to the courts, and he said the problem may not be that the statutes are not adequate. **It was moved by Senator Mathern, seconded by Senator Yockim, and defeated that the Council give priority to Senate Concurrent Resolution No. 4026.**

The Council reviewed Senate Concurrent Resolution No. 4030, calling for a study of the issues of welfare reform as they relate to the relationship between the state and the federally recognized Indian tribes. Representative Dorso said this subject will be a major issue as the economic stakes are high if the tribes opt out of welfare programs. Representative Boucher said this is an area of concern and there are many possibilities and many unknowns that should be studied. **It was moved by Representative Boucher, seconded by Senator Yockim, and carried that the Council give priority to Senate Concurrent Resolution No. 4030.**

The Council reviewed Senate Concurrent Resolution No. 4036, calling for a study of the level of and remedies for discrimination in this state. **It was moved by Representative Gullekson, seconded by Senator Yockim, and carried that the Council give priority to Senate Concurrent Resolution No. 4036.**

The Council reviewed Senate Concurrent Resolution No. 4037, calling for a study of the feasibility and desirability of licensing high pressure boiler operators. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council give priority to Senate Concurrent Resolution No. 4037.**

The Council reviewed Senate Concurrent Resolution No. 4038, calling for a study of the effectiveness of methods to improve advocacy programs and feasibility of merging advocacy programs. **It was moved by Senator Yockim, seconded by Representative Wald, and carried that the Council not give priority to Senate Concurrent Resolution No. 4038.**

The Council reviewed Senate Concurrent Resolution No. 4040, calling for a study of the feasibility and desirability of implementing a prepaid college tuition program. **It was moved by Representative Wald, seconded by Senator Yockim, and carried that the Council not give priority to Senate Concurrent Resolution No. 4040.**

The Council reviewed Senate Concurrent Resolution No. 4041, relating to a study of the establishment of watershed districts to manage water based on watershed boundaries. Chairman Nelson said he had been on a study committee several years ago that had recommended that water management be based on watershed boundaries. However, that goal had not yet been reached. Senator Robinson said perhaps it is time to review this subject. Representative Gullekson said the taxing authority of the various water boards should be reviewed. **It was moved by Senator Mathern, seconded by Senator Robinson, and carried that the Council give priority to Senate Concurrent Resolution No. 4041.**

The Council reviewed Senate Concurrent Resolution No. 4042, relating to a study of the use of the terms abuse, neglect, and exploitation. **It was moved by Representative Wald, seconded by Representative Timm, and carried that the Council not give priority to Senate Concurrent Resolution No. 4042.**

The Council reviewed Senate Concurrent Resolution No. 4043, relating to the issue of insurance brokers acting as consultants. Representative Wald said other states allow insurance agents to charge fees for services so long as there is full disclosure. It was noted that this resolution resulted from an interpretation of a statute by the Insurance Commissioner. Representative Glassheim said he questioned whether there is a need for a study or whether a bill could be introduced to change the statute. **It was moved by Representative Wald, seconded by Representative Timm, and defeated that the Council give priority to Senate Concurrent Resolution No. 4043.**

The Council reviewed Senate Concurrent Resolution No. 4044, calling for a study of ways to improve the filing of agricultural liens. Senator Krebsbach said she understands the central filing system will be simplified and that many of the problems will be alleviated. **It was moved by Senator Krebsbach, seconded by Representative Belter, and carried that the Council give priority to Senate Concurrent Resolution No. 4044.**

The Council reviewed Senate Concurrent Resolution No. 4045, calling for a study of state funding of the office of the clerk of district court and issues involved with court unification. Senator Stenehjem said although House Concurrent Resolution No. 3001 also calls for a study of the funding of the office of the clerk of district court, this resolution also calls for a study of court unification. In response to a question from Representative Dorso, Senator Stenehjem said the state should assume the

costs of the clerks of district court. **It was moved by Senator Stenehjem, seconded by Senator Krebsbach, and carried that the Council give priority to Senate Concurrent Resolution No. 4045.**

The Council reviewed Senate Concurrent Resolution No. 4046, calling for a study of the role of the State Board for Vocational and Technical Education in work force training and retraining programs. **It was moved by Representative Wald, seconded by Senator Freborg, and carried that the Council not give priority to Senate Concurrent Resolution No. 4046.**

The Council reviewed Senate Concurrent Resolution No. 4047, calling for a study of the short-term and long-term impact of federal education legislation and other direct and indirect mandates on school districts. Senator Freborg said this study would involve more than federal mandates and would also look at mandates by the Department of Public Instruction. **It was moved by Senator Freborg, seconded by Representative Oban, and carried that the Council give priority to Senate Concurrent Resolution No. 4047.**

The Council reviewed Senate Concurrent Resolution No. 4048, calling for a study of the interrelationship of the postjudgment issues of child support and visitation, including the accountability of both parents to honor divorce orders and the development of a parenting education program that addresses the impact of divorce on children. Senator Mathern said this is a subject that should be studied because costs are going up and the impact of divorce is substantial on families. Senator Stenehjem said the subject matter of this resolution has been addressed in other studies that have been approved. **It was moved by Senator Stenehjem, seconded by Senator Freborg, and carried that the Council not give priority to Senate Concurrent Resolution No. 4048.**

The Council reviewed Senate Concurrent Resolution No. 4049, calling for a study of the feasibility and desirability of revising the statutes relating to sexual offenses. Senator Stenehjem said the problem is that under current law two 14-year-olds could be charged with felonies for engaging in heavy petting because neither is qualified to give consent. He said there are many policy questions concerning the applicability of sexual offense statutes to minors. **It was moved by Senator Stenehjem, seconded by Senator Freborg, and carried that the Council give priority to Senate Concurrent Resolution No. 4049.**

The Council reviewed Senate Concurrent Resolution No. 4050, relating to a study of taxation and regulatory incentives for the lignite industry. **It was moved by Representative Wald, seconded by Representative Belter, and carried that the Council give priority to Senate Concurrent Resolution No. 4050.**

The Council reviewed Senate Concurrent Resolution No. 4051, calling for a study of the desirability of requiring that a core curriculum be

taught in elementary and secondary schools. Representative Wald asked whether the state would have to pay for offering courses in all schools to meet the minimum core curriculum requirements. Representative Glassheim said he thought this would be an interesting study. Representative Gulleson said people in rural districts often ask why the state does not require and provide funding for a core curriculum in all districts. Senator Freborg noted that Senate Bill No. 2342 would have provided for a core curriculum, but that bill had failed. **It was moved by Senator Yockim, seconded by Representative Wald, and defeated that the Council not give priority to Senate Concurrent Resolution No. 4051. It was moved by Senator Freborg, seconded by Representative Glassheim, and carried that the Council give priority to Senate Concurrent Resolution No. 4051.**

The Council reviewed Senate Concurrent Resolution No. 4052, relating to occupational and professional licensing entities with an emphasis on methods to privatize licensing entities. **It was moved by Senator Yockim, seconded by Senator Mathern, and carried that the Council give priority to Senate Concurrent Resolution No. 4052.**

The Council reviewed Senate Concurrent Resolution No. 4053, calling for a study of the prevention of and dispositional alternatives to juvenile crime with a focus on services offered to American Indian children. Representative Wald questioned the value of the study because the state does not have jurisdiction on Indian reservations. Senator Yockim said the intent of the study is to look at the number of American Indian children committed to state correctional institutions. Chairman Nelson questioned the options available to the state. Senator Yockim said perhaps alternatives at the local level could reduce the number of minors sent to the state. Representative Boucher said perhaps day treatment programs would be more effective. **It was moved by Senator Mathern, seconded by Representative Oban, and carried that the Council give priority to Senate Concurrent Resolution No. 4053.**

The Council reviewed Senate Concurrent Resolution No. 4054, calling for a study of whether the Department of Human Services should reimburse qualified service providers who provide assistive technology devices. **It was moved by Representative Dorso, seconded by Senator Freborg, and carried that the Council not give priority to Senate Concurrent Resolution No. 4054.**

The Council reviewed Senate Concurrent Resolution No. 4055, calling for a study of the potential for expansion of extended area telecommunications service. **It was moved by Senator Yockim, seconded by Senator Robinson, and carried that the Council not give priority to Senate Concurrent Resolution No. 4055, but that the Regulatory Reform Review Commission be requested to study this issue.**

Chairman Nelson asked the legislative leaders to submit names for appointment to the Regulatory Reform Review Commission and the Electric Utilities Committee. He said there would be two members from the majority and one from the minority in each house on the Electric Utilities Committee.

Chairman Nelson announced that he planned to form an Information Technology Committee that would have jurisdiction over the issues raised in House Bill No. 1034.

Senator Yockim said the study called for in Senate Concurrent Resolution No. 4014, which had been approved for study, could be referred to the Advisory Commission on Intergovernmental Relations. Chairman Nelson noted that the Advisory Commission on Intergovernmental Relations has a minority of legislators, and that the membership is set by law. **It was moved by Representative Dorso, seconded by Senator Yockim, and carried that the Council reconsider its action by which it gave priority to Senate Concurrent Resolution No. 4012, and that the Council not give priority to Senate Concurrent Resolution No. 2012, but refer that study to the Advisory Commission on Intergovernmental Relations.**

It was moved by Senator Robinson, seconded by Senator Stenehjem, and carried on a roll call vote that the Chairman be authorized to prepare a proposed interim committee structure and a questionnaire to legislators to indicate their preference for service on interim committees. Voting in favor of the motion were Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, Stenehjem, and Yockim and Representatives Dorso, Belter, Boucher, Glassheim, Gulleon, Oban, Timm, and Wald. There were no negative votes.

It was moved by Senator Freborg, seconded by Senator Robinson, and carried on a roll call vote that the resolutions and bills for which approval was given by a voice vote at this meeting be given priority for study by interim committees. Voting in favor of the motion were Senators Nelson, Freborg, Krebsbach, Mathern, Robinson, Stenehjem, and Yockim and Representatives Dorso, Belter, Boucher, Glassheim, Gulleon, Oban, Timm, and Wald. There were no negative votes.

Chairman Nelson announced that the next meeting would be on Tuesday, June 3, 1997, to approve an interim committee structure.

It was moved by Senator Mathern, seconded by Representative Boucher, and that the Legislative Council appoint a disaster overview committee to (1) Receive information on the Spring 1997 Blizzard and the current and projected levels of Devils Lake, and (2) Assess the spring flooding situation in the Red River Valley and determine the resulting damages to infrastructure, commercial activities, and residential housing from the flooding, determine the impact on state revenues, wage-loss programs, state institutions in the affected areas, and other programs and

institutions around the state, and identify the resources available to address the damages; and that the committee prepare a preliminary report by July 6, and complete its work and prepare a final report by August 6, 1997, and present this report, and any resulting recommendations, to the Legislative Council.

In the discussion that followed, Senator Mathern said there is a need to name a committee to assess damages from the blizzard and the flood. He said there has been considerable discussion concerning the roles of the state and federal governments, and he sees a need to determine the proper role for the legislative branch of state government in these discussions. He said study is needed to determine if a special legislative session is needed.

Chairman Nelson said he appreciates the importance of having the Legislative Assembly involved in this matter. He said it is important to know what the federal government is doing. He said the state Emergency Commission had met this morning and had approved the spending of \$56.5 million in federal funds. He said the Emergency Commission had previously approved the Adjutant General and the Division of Emergency Management borrowing \$25 million to meet emergency needs resulting from this disaster. He said under state law the Legislative Council can call the Legislative Assembly back into session. He said the Legislative Council is the appropriate entity with authority concerning whether there should be a special session. He said the Council will meet on June 3, and June 6 as provided in the motion is too early even for a preliminary report. He said the Legislative Council should have overview responsibility to decide the appropriate action to take to deal with all the disasters.

Representative Boucher questioned the timeframe the Legislative Council could operate in. Chairman Nelson said the Legislative Council could receive appropriate reports and then be in a position to determine appropriate actions and timeframes.

Senator Robinson questioned whether the needs of the University of North Dakota and other state agencies that were impacted will be met. He said status reports should be requested from the affected entities.

Representative Dorso said the Governor and the executive branch were doing as well as they could under the circumstances. He said the role of the legislative branch is not to micromanage the disaster relief efforts, but to see that agencies have the ability to deal with the problems and report on what is needed. He said he does not believe the legislative branch should interfere but should be ready to act when needed. He said perhaps the Legislative Council should ask the chairman to write to the Governor and request information at the next meeting.

Representative Dorso said the 1997 Legislative Assembly did a pretty good job in preparing for disasters of this kind. He noted the legislation that had passed relating to an outlet to Devils Lake and

legislation allowing local governments to levy taxes and borrow money to meet disasters.

Representative Glassheim said in Grand Forks people are making investment decisions now, and it is estimated damages are in the neighborhood of \$1 billion. He said the need to rebuild confidence is essential. He said he agreed that we should not make it appear we are doing more than we are actually doing. He said other states have dealt with disasters, and he understands one state encouraged rebuilding by returning tax revenues that were generated by reinvestment and reconstruction.

Senator Stenehjem said he believes there will be a special session, and he said the legislative branch should not rush into action until the appropriate information is available. He said this should be a priority matter at the June meeting. He said the devastation in Grand Forks is overwhelming. He said people do want hope from their state government that the state and the Legislative Assembly will be there to help alleviate their problems.

Senator Mathern reported that he had shared his thoughts with the chairman prior to the meeting and he did not believe this was an effort to micromanage. He said information from other agencies is essential, and the Legislative Council can prepare the rest of the Legislative Assembly for what needs to be done. He said if the Legislative Council could not perform this function, perhaps a subcommittee of the Council members could be delegated this responsibility.

Chairman Nelson said the full Legislative Council needs to take the time to address these concerns. He said he prefers that the entire Legislative Council membership be involved.

In response to a question from Representative Wald, Senator Mathern said preliminary reports are needed to prepare legislators for what may have to be done. He said there will be long-term effects from this disaster and the legislative branch should be prepared to help.

Chairman Nelson called for a vote on the motion, and the motion was defeated. **It was moved by Representative Dorso, seconded by Representative Wald, and that the Chairman of the Legislative Council be requested to ask the**

Governor to provide the Legislative Council with information on the effects of blizzards on the state and the flooding situation in the Red River Valley and Devils Lake, including damages to state and local facilities and programs and federal, state, and local resources that are available to alleviate those damages, and to present a preliminary report at the next meeting of the Legislative Council.

In the discussion that followed, Senator Mathern said people want guidance and if the reports received are too general they will not meet the need. He questioned whether the Legislative Council should appoint itself as a disaster committee to get the details.

Representative Dorso said he does not want to attempt to micromanage this matter. He said the Legislative Assembly has passed laws to deal with disasters and if something is missing, he believes the executive branch will take responsibility to inform the legislative branch concerning what is needed.

Representative Boucher said he believes a consensus is developing that the Legislative Council is the proper vehicle to deal with the legislative response to this issue. He said there must be an orderly process so that decisions can be made. He said reassurances are needed and orderly information is needed.

Chairman Nelson announced that WEFA has been requested to prepare a report on the impact of this disaster on the state. However, he said, that report will probably not be available until late in June.

The chairman called for a vote on Representative Dorso's motion, and **the motion carried.**

Senator Stenehjem invited all members of the Legislative Council to visit Grand Forks during the rebuilding phase. He said the devastation is unbelievable.

Chairman Nelson adjourned the meeting at 3:25 p.m.

John D. Olsrud
Director