

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL

Tuesday, May 11, 1999
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, Randel Christmann, Aaron Krauter, Elroy N. Lindaas, David E. Nething, Larry J. Robinson, Wayne Stenehjem; Representatives Merle Boucher, William R. Devlin, John Dorso, Eliot Glassheim, John Mahoney, Clara Sue Price, Francis J. Wald, John M. Warner

Others present: Joseph A. Westby, North Dakota Education Association, Bismarck

David Peske, North Dakota Medical Association, Bismarck

Ann Bredemeier, Tove Mandigo; Department of Human Services, Bismarck

Ken Tupa, Jason Dockter; APT, Inc., Bismarck

Michael Lindblom, Bismarck-Mandan Chamber of Commerce, Bismarck

Ivan Lee Williams, North Dakota Ag Association, Mandan

Gary Knutson, North Dakota Ag Association, Fargo

Wade Moser, North Dakota Stockmen's Association, Bismarck

Bruce J. Kopp, Northern States Power, Grand Forks

Cal Rolfson, American Crop Protection Association, Bismarck

David Thompson, North Dakota Public Radio, Bismarck

Brian Kramer, North Dakota Farm Bureau, Bismarck

Dale Wetzell, Associated Press, Bismarck

Janell Cole, Fargo Forum, Bismarck

Sophia Preszler, Bismarck

Lance Gaebe, Ag Coalition, Bismarck

Jim Lewis, Christian Coalition, Harvey

James Moench, Commission on Future of Agriculture, Bismarck

Jess D. Cooper, Greater North Dakota Association, Bismarck

Arnold R. Thomas, North Dakota Health Care Association, Bismarck

Jim Ganje, Supreme Court, Bismarck

Ed Kringstad, State Senator, Bismarck

Jay E. Buringrud, Jim W. Smith, Jeffrey N. Nelson, Jennifer S. N. Clark; Legislative Council, Bismarck

It was moved by Senator Robinson, seconded by Representative Wald, and carried to dispense

with the reading of the minutes of the April 17, 1999, meeting and to approve the minutes as distributed.

Chairman Nelson welcomed the attendees to this meeting and outlined the procedures to be followed. He said each member of the Legislative Council had received a mailing from the staff which included several documents relevant to the agenda for this meeting. He said there are 102 potential studies, which are more than have been considered in the recent past. He said if the Legislative Council assigns too heavy of a workload to an interim committee, the interim committee ends up establishing priorities, which he said is the responsibility of the Legislative Council. He said sometimes there is no practical solution to a problem or the solution is beyond the reach of the Legislative Assembly. He said other problems have been studied, and it is questionable whether it makes sense to repeat a study from the recent past. If the solution to a problem is simply a matter of money, he said, a study is probably not a good solution, as the next Legislative Assembly will determine where money will be spent. He said testimony is traditionally not received at this meeting, but members of the Legislative Council may ask questions of individuals during the course of the meeting. He said every study resolution has had two full hearings during the session and the purpose of this meeting is to determine priorities on discretionary studies. He said the procedure to be followed will be that the Legislative Council will have a voice vote to determine which discretionary studies will be placed on a list to be included in a final recorded roll call vote.

Chairman Nelson called on the director of the Legislative Council to review the documents that had been distributed. The director reviewed a memorandum entitled *1999 Legislation Directly Affecting the Legislative Council and the Legislative Assembly*. He pointed out the required studies and noted that the Legislative Assembly has added statutory responsibilities plus two additional committees to the duties of the Legislative Council. He pointed out that one of the documents, a memorandum entitled *Legislative Council Studies and Resolutions to be Prioritized for the 1999-2000 Interim (Arranged According to Subject Matter)*, should not be viewed as a proposed committee list. The director said the memorandum entitled *Legislative Council Studies and Resolutions*

to be Prioritized for the 1999-2000 Legislative Interim contains information on recent legislation and similar studies and is traditionally the document used by the Legislative Council to establish priorities. He said a looseleaf binder containing all bills and resolutions in numerical order could be used to review the actual text of proposed studies and to get information on sponsorship of bills and resolutions.

The director said during the last interim there were 23 committees, counting the Advisory Commission on Intergovernmental Relations and the Regulatory Reform Review Commission. He said the Legislative Council approved 32 resolutions and there were 10 bills calling for studies, which does not include statutory responsibilities. He said in the last 12 years the number of committees has ranged between 20 and 25, and there have been between 42 and 47 studies each interim.

Chairman Nelson announced that the Council would not review required studies but would concentrate on discretionary studies.

The Council reviewed Section 4 of House Bill No. 1002, calling for a study of the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents. Senator Stenehjem said he believes this will be an important study, and he believes it can be combined with some other studies during the interim. **It was moved by Senator Stenehjem, seconded by Representative Mahoney, and carried that the Council give priority to Section 4 of House Bill No. 1002.**

The Council reviewed Section 19 of House Bill No. 1003, calling for a study of higher education funding, including the expectations of the University System in meeting the state's needs in the 21st century, the funding methodology needed to meet these expectations and needs, and an accountability system in reporting methodology for the University System. Senator Nething said this study was added by the Senate Appropriations Committee, and he believes that this is a timely area for study in view of changes on the horizon for higher education. **It was moved by Senator Nething, seconded by Senator Robinson, and carried that the Council give priority to Section 19 of House Bill No. 1003.**

The Council reviewed Section 23 of House Bill No. 1003, calling for review of North Dakota's participation in the student exchange program portion of the Midwestern Regional Higher Education Compact in the study provided in Section 19 of the bill. Senator Nething said he believes this subject may be considered as part of the prior study and therefore would not need a separate study. **It was moved by Senator Nething, seconded by Representative Mahoney, and carried that the Legislative Council not give priority to Section 23 of House Bill No. 1003.**

The Council reviewed Section 20 of House Bill No. 1003, calling for a study of tribally controlled colleges in this state and the United Tribes Technical

College, including a review of funding sources and the number of Indian and non-Indian students attending each college, for the purpose of determining the feasibility and desirability of a grant program to assist the colleges in providing education to students who are less than one-quarter Indian. Senator Krauter said there has been a bill in every session since 1991 on this subject, and he believes better information could be gathered if this subject were studied. He said information regarding the number of non-Indian students is needed and legislators would have the ability to consider the information and validate the numbers if this information were available during an interim study. **It was moved by Senator Krauter and seconded by Senator Robinson that the Legislative Council give priority to Section 20 of House Bill No. 1003.** In the discussion that followed, Senator Nething said he believes this is simply a matter of money, and he questioned the value of a study. He said the tribal colleges are not under the jurisdiction of the state. Senator Nelson questioned whether having the information would change the final decision by the Legislative Assembly. Representative Boucher said the value of this study goes beyond the numbers, as there are issues of understanding who is being served, and there are issues concerning enrollments at these institutions. He said there are also issues relating to tribal-state relations which could be served by having this study. Representative Wald said he believes sufficient information and statistics were provided during the session, and he believes the issue boils down to whether or not the Legislative Assembly is going to appropriate the dollars. He said he believes adding additional colleges to those supported by the state is going in the wrong direction. Senator Robinson said he does not believe this study is the forerunner to bringing four more colleges into the University System, but he believes there are financial aid issues that need focus and could be served by conducting this study. Senator Christmann said he questioned whether this is the way to go, considering the number of institutions the state is now supporting. Representative Boucher said tribal colleges play an integral role in the "welfare-to-work" program. **The motion was defeated.** 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 4 of House Bill No. 1012, calling for a study of the Fleet Services program of the Department of Transportation, including a review of the cost-effectiveness of the program and the methods used to project and set motor pool rates. Representative Dorso said the Legislative Audit and Fiscal Review Committee has dealt with this issue in the past and he sees no need for a study. **It was moved by Representative Dorso, seconded by Senator Christmann, and carried that the Council not give priority to Section 4 of House Bill No. 1012.**

The Council reviewed Section 5 of House Bill No. 1012, calling for a study of the licensing of used motor vehicle dealers, including fees, dealer plates, and insurance coverage. **It was moved by Representative Wald, seconded by Representative Price, and carried that the Council not give priority to Section 5 of House Bill No. 1012.**

The Council reviewed Section 6 of House Bill No. 1014, calling for a study of the uses of funds appropriated to the Children's Services Coordinating Committee, including a review of uses of funding received by the regional and tribal children's services coordinating committees and of the entities involved in generating refinancing funds. Representative Price said she serves on one of the regional children's services coordinating committees, and she said the people involved see no need for this study. She said most of these committees are doing a good job. Senator Robinson said he has no problem with these committees, but some legislators do and that is why this study was proposed. **It was moved by Senator Robinson, seconded by Senator Krauter, and defeated that the Legislative Council give priority to Section 6 of House Bill No. 1014.** 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 16 of House Bill No. 1019, calling for a study of the economic development efforts in the state, including the provision of economic development services statewide and the related effectiveness, the potential for the privatization of the Department of Economic Development and Finance, and the appropriate location of the North Dakota Development Fund including the potential transfer of the fund to the Bank of North Dakota. **It was moved by Representative Dorso, seconded by Senator Stenehjem, and carried that the Council give priority to Section 16 of House Bill No. 1019.**

The Council reviewed Section 4 of House Bill No. 1183, calling for a study of the various sources of revenues for highway funding and comparisons with other states' highway funding systems to develop an optimum blend of reliable funding sources for highway purposes. Representative Wald said he sees no need for this study, as the Legislative Assembly has considered various sources of revenues for highway funding. Representative Dorso said this subject received considerable attention during the last session. **It was moved by Representative Dorso, seconded by Senator Krauter, and carried that the Council not give priority to Section 4 of House Bill No. 1183.**

The Council reviewed Section 29 of House Bill No. 1276, calling for a study of the State Board of Animal Health, including its membership, its representation, and the nature and scope of its regulatory authority over nontraditional livestock. In answer to a question from Representative Dorso, Representative

Warner said the concern is over diseases carried by pets and nontraditional livestock. He said there is also a question whether the State Board of Animal Health should have representation from nontraditional livestock producers. **It was moved by Senator Christmann, seconded by Representative Warner, and carried that the Council not give priority to Section 29 of House Bill No. 1276.**

The Council reviewed Section 8 of House Bill No. 1462, calling for a study of the application, enforcement, and administration under the fuels tax laws. Representative Dorso said this subject got considerable attention during the last session, and nobody is sure whether the fiscal note on the legislation that passed was correct. He said this is a way to prepare for new federal highway funding legislation. **It was moved by Representative Dorso, seconded by Senator Krauter, and carried that the Council give priority to Section 8 of House Bill No. 1462.**

The Council reviewed Section 20 of Senate Bill No. 2012, calling for a study of community services provided for the seriously mentally ill, including human service center services and the number of clients served. Representative Price said Section 28 of Senate Bill No. 2012 calls for a comprehensive study of the services provided by human service centers, and she believes that is a higher priority and a committee assigned that study could review services provided for the seriously mentally ill. **It was moved by Representative Price, seconded by Representative Wald, and carried that the Council not give priority to Section 20 of Senate Bill No. 2012.**

The Council reviewed Section 21 of Senate Bill No. 2012, calling for a study of the services provided by the state in its medical assistance program, including optional medical assistance services and the impact to the state and its citizens of providing those services. Representative Price said the same reasons applied to this proposed study as were given for not giving priority to the study called for in Section 20 of Senate Bill No. 2012. **It was moved by Representative Wald, seconded by Representative Price, and carried that the Council not give priority to Section 21 of Senate Bill No. 2012.**

The Council reviewed Section 22 of Senate Bill No. 2012, calling for a study of residential treatment centers and residential child care facilities, including occupancy rates, the number of out-of-state residents, and the need for additional facilities. Senator Krauter said the number of minors sent to residential treatment centers is a concern. Representative Price said there is a danger that the state will have more beds than are needed. Representative Boucher said tribal governments are considering residential child care facilities, and there is a need to understand the state's role in issues relating to tribal-state jurisdiction. **It was moved by Senator Krauter, seconded by Representative Boucher, and carried that the Council give priority to Section 22 of Senate Bill No. 2012.**

The Council reviewed Section 28 of Senate Bill No. 2012, calling for a study of the services provided by human service centers, including the appropriateness and justification for continuing human service center programs, the cost/benefit of human service programs, methods for evaluating the effectiveness and outcomes of human service center programs, and the need to establish priorities relating to human service center programs. **It was moved by Representative Dorso, seconded by Senator Robinson, and carried that the Council give priority to Section 28 of Senate Bill No. 2012.**

The Council reviewed Section 29 of Senate Bill No. 2012, calling for a study of the state and federal regulations relating to nursing homes, the impact of those regulations on the cost of care at North Dakota nursing homes, and state options for reducing regulations and the related reductions in cost of care. Senator Nelson noted that the Department of Human Services has a Long-Term Care Task Force, and he believes study of this subject may already be under way. Representative Mahoney said there is an ongoing concern related to the availability of appropriate information concerning regulations relating to long-term care. Representative Price said the State Department of Health conducts surveys, and it has improved its methods. She said reports have been made to interim committees in the past. Representative Dorso suggested that reports be provided to appropriate interim committees. Representative Mahoney said this subject matter needs to be monitored and the Legislative Council needs to be proactive because of the aging population of this state. **It was moved by Representative Dorso, seconded by Representative Mahoney, and carried that the Council not give priority to Section 29 of Senate Bill No. 2012.**

The Council reviewed Section 30 of Senate Bill No. 2012, calling for a study of the appropriateness of the state continuing rate equalization for private pay and public pay residents in nursing homes, including the fiscal impact on private pay and public pay residents of the repeal of rate equalization. Representative Dorso said he sees no need for this study if the Council studies Senate Concurrent Resolution No. 4004, calling for a study of the possibility of creating incentives for rural communities to reduce nursing home bed capacity and to provide alternative long-term care services. **It was moved by Senator Stenehjem, seconded by Senator Krauter, and carried that the Council not give priority to Section 30 of Senate Bill No. 2012.**

The Council reviewed Section 31 of Senate Bill No. 2012, calling for a study of the feasibility and desirability of collocating the Developmental Center and the State Hospital at one location and of transferring additional buildings on the State Hospital grounds to the Department of Corrections and Rehabilitation. **It was moved by Representative Dorso, seconded**

by Senator Krauter, and carried that the Council give priority to Section 31 of Senate Bill No. 2012.

The Council reviewed Section 22 of Senate Bill No. 2013, calling for a study of the role, mission, operation, and privatization of the Division of Independent Study, including educational services provided by the division to out-of-state students. **It was moved by Representative Wald, seconded by Representative Devlin, and carried that the Council give priority to Section 22 of Senate Bill No. 2013.**

The Council reviewed Section 21 of Senate Bill No. 2015, calling for a study of the establishment of agency performance incentive pilot programs; how agencies could develop, implement, administer, maintain, and evaluate these pilot programs; and the development of personnel policies and procedure manuals and how pay raises that may not be across the board are to be awarded as a reward and incentive for superior performance and the length of time they may be in effect. Senator Robinson said the State Employees Compensation Commission gets involved with these issues. **It was moved by Senator Robinson, seconded by Senator Stenehjem, and carried that the Council not give priority to Section 21 of Senate Bill No. 2015.**

The Council reviewed Section 2 of Senate Bill No. 2025, calling for a study of the number, qualifications, and selection criteria for vendors and providers elected by the Public Employees Retirement System Board for the defined contribution retirement plan and the deferred compensation program. Representative Wald noted the need to consider the geographical distribution of vendors of these programs. **It was moved by Senator Nething, seconded by Representative Dorso, and carried that the Council give priority to Section 2 of Senate Bill No. 2025.**

The Council reviewed Section 4 of Senate Bill No. 2114, calling for a study of the implementation of the temporary assistance for needy families program in this state, the effectiveness of that program to accomplish welfare reform, the need for continuing legislative monitoring, the proportion of adults living in Indian country who are employed, and the efforts of the Department of Human Services to negotiate a pilot project under which the state would participate in the cost of providing services under a tribal family assistance grant. Representative Boucher noted that approximately half of the individuals participating in some of these programs are American Indians and the tribes are considering taking over administration of temporary assistance for needy families programs. Representative Price said there is monitoring needed over these programs because the federal government has just approved regulations for the temporary assistance for needy families program. **It was moved by Representative Boucher, seconded by Representative Devlin, and carried that the Council give priority to Section 4 of Senate Bill No. 2114.**

The Council reviewed Section 26 of Senate Bill No. 2171, calling for a study of the impact to the Department of Human Services, counties, court system, Division of Juvenile Services, adoption agencies, and families of the Adoption and Safe Families Act of 1997, including related state and county staffing requirements, court costs, adoption-related costs and issues, foster care-related impacts, and the impacts on families. Representative Dorso said he believes the federal legislation will have a substantial impact on the judiciary. Representative Devlin said it may be premature to study this issue as the new law is just going into effect. **It was moved by Representative Devlin, seconded by Representative Wald, and carried that the Council not give priority to Section 26 of Senate Bill No. 2171.**

The Council reviewed Section 1 of Senate Bill No. 2356, calling for a study of the feasibility and desirability of forming a multistate agricultural marketing commission for the purpose of marketing agricultural products on behalf of agricultural producers. **It was moved by Representative Glassheim, seconded by Representative Boucher, and carried that the Council give priority to Section 1 of Senate Bill No. 2356.**

The Council reviewed Senate Concurrent Resolution No. 4001, providing that the Budget Section hold legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress. **It was moved by Senator Robinson, seconded by Senator Stenehjem, and carried that the Council give priority to Senate Concurrent Resolution No. 4001.**

The Council reviewed Senate Concurrent Resolution No. 4003, providing that the Council receive a report from the Department of Human Services on improving its administrative structure and enhancing its budget presentation methods and monitor implementation of the recommendations. **It was moved by Representative Price, seconded by Representative Mahoney, and carried that the Council give priority to Senate Concurrent Resolution No. 4003.**

The Council reviewed Senate Concurrent Resolution No. 4004, calling for a study of the possibility of creating an incentive package to assist rural communities and nursing facilities in closing or significantly reducing bed capacity and providing alternative long-term care services. **It was moved by Representative Price, seconded by Senator Nething, and carried that the Council give priority to Senate Concurrent Resolution No. 4004.**

The Council reviewed Senate Concurrent Resolution No. 4005, calling for a study of the state of the law and technology with respect to legislative redistricting. **It was moved by Senator Stenehjem, seconded by Senator Robinson, and carried that the Council give priority to Senate Concurrent Resolution No. 4005.**

The Council reviewed Senate Concurrent Resolution No. 4006, calling for a study of state agency office

space needs to determine the feasibility and desirability of transferring state agencies or state employees to rural areas. Senator Christmann said this study should be conducted, and he noted the high cost of rent in the urban centers. Representative Wald said it is wishful thinking to think that agencies will move to small cities. Senator Stenehjem said the Government and Veterans Affairs Committee held good hearings on this subject during the session, and he said small agencies might be able to move to smaller cities. Senator Krauter said technology makes it possible for governmental services to be provided from remote areas. He said it may be possible to lower the costs of government by using these technologies. Representative Dorso said state agencies can accomplish these moves without the requirement that the Legislative Assembly initiate these moves. Representative Mahoney said there is available space and labor in the smaller cities. Senator Nething said the private sector is already decentralizing services to lower costs. **It was moved by Representative Wald, seconded by Representative Dorso, and defeated that the Legislative Council not give priority to Senate Concurrent Resolution No. 4006.** Chairman Nelson announced that defeat of the motion to not give priority had the effect of a motion to give priority.

The Council reviewed Senate Concurrent Resolution No. 4014, calling for a study of the method of providing legal representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender system. Representative Dorso said this issue appears to be a matter of whether the Legislative Assembly is going to provide the money. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council not give priority to Senate Concurrent Resolution No. 4014.**

The Council reviewed Senate Concurrent Resolution No. 4015, calling for a study of the adult correctional system in North Dakota, including its functions, responsibilities, funding, and operation, and the causes of past and projected future increases in the state's adult inmate population, including the impact of sentencing laws. In answer to a question from Representative Mahoney, Senator Nething said this study should include alternative programs, including what to do about juvenile sentencing. Representative Warner said there is a need to consider alternatives regarding programs for criminal defendants including juveniles. **It was moved by Senator Nething, seconded by Representative Dorso, and carried that the Council give priority to Senate Concurrent Resolution No. 4015.**

The Council reviewed Senate Concurrent Resolution No. 4019, calling for a study of the placement of motor vehicle license, registration, title, and excise tax collection services in the treasurer's office of each county in this state. **It was moved by Representative Dorso, seconded by Representative Wald, and**

carried that the Council not give priority to Senate Concurrent Resolution No. 4019.

The Council reviewed Senate Concurrent Resolution No. 4027, calling for a study of issues related to the Missouri River in North Dakota. **It was moved by Representative Dorso, seconded by Senator Robinson, and carried that the Council give priority to Senate Concurrent Resolution No. 4027.**

The Council reviewed Senate Concurrent Resolution No. 4030, calling for a study of the management responsibilities of the Industrial Commission, the mission and location of each entity within and under the direction of the commission, the membership of the commission, and the voting structure of the commission. **It was moved by Senator Nething, seconded by Representative Dorso, and carried that the Council give priority to Senate Concurrent Resolution No. 4030.**

The Council considered Senate Concurrent Resolution No. 4031, calling for a study of the method by which the state funds special education services. Representative Wald said it is time for the states to let Congress know that Congress needs to fund mandates that are placed upon the states. **It was moved by Representative Wald, seconded by Senator Nething, and carried that the Council give priority to Senate Concurrent Resolution No. 4031.**

The Council reviewed Senate Concurrent Resolution No. 4032, calling for a study of the family law process in North Dakota with a focus on a review of existing statutes, the coordination of procedures, and the future implementation of alternative dispute resolution methods. Senator Stenehjem said there is a family law committee created by the Supreme Court, and the idea is to have joint meetings to share information. **It was moved by Senator Stenehjem, seconded by Representative Dorso, and carried that the Council give priority to Senate Concurrent Resolution No. 4032.**

The Council reviewed Senate Concurrent Resolution No. 4033, calling for a study of outmigration of North Dakota residents. Senator Krauter said the idea behind this resolution is to identify the reasons why people leave North Dakota and where they go. Senator Nelson questioned whether the demographic information is already available from North Dakota State University. Senator Krauter said the numbers are available but there are questions regarding the reasons and the sectors of our economy which are affected by outmigration. Representative Glassheim said of all the potential studies, this one probably affects us most. He said it relates to everything we do, and he questioned whether the best solution is to do nothing. **It was moved by Senator Krauter, seconded by Representative Boucher, and defeated that the Council give priority to Senate Concurrent Resolution No. 4033.** 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 Senate Concurrent Resolution No. 4034, calling for a study of the farm cooperative business structure to determine how it may be used to expand dairy and livestock production to enhance rural economic development. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council not give priority to Senate Concurrent Resolution No. 4034.**

The Council reviewed Senate Concurrent Resolution No. 4036, calling for a study of the operation of the temporary assistance for needy families program in North Dakota as it relates to the relationship between the state and the federally recognized Indian tribes in the state. It was noted that this study would be very similar to the study called for in Section 4 of Senate Bill No. 2114. **It was moved by Representative Dorso, seconded by Representative Boucher, 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 maintenance and funding of basic student health services at institutions of higher education under the control of the State Board of Higher Education. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the Council not give priority to Senate Concurrent Resolution No. 4037.**

The Council reviewed Senate Concurrent Resolution No. 4038, calling for a study of options for the use of endowment funds for school districts and the feasibility and desirability of providing state matching funds. **It was moved by Senator Robinson, seconded by Representative Dorso, and carried that the Council not give priority to Senate Concurrent Resolution No. 4038.**

The Council reviewed Senate Concurrent Resolution No. 4039, calling for a study of the methods by which qualified out-of-state students can be recruited by public institutions of higher education in this state and encouraged to enroll in postsecondary programs. Senator Lindaas said this study would give information on where we are going insofar as our institutions of higher education are concerned. He said it is good economic development to use existing facilities to attract out-of-state students. Representative Dorso said the State Board of Higher Education already has the responsibility, and he knows they are recruiting and using the media to recruit out-of-state students. Senator Robinson said this may not be the priority of the board that it should be. He said this state has the capacity for more students which can be used and coordinated marketing may be more efficient than having each institution do its own recruiting. **It was moved by Senator Lindaas, seconded by Senator Krauter, and defeated that the Council give priority to Senate Concurrent Resolution No. 4039.** 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 Senate Concurrent Resolution No. 4040, calling for a study of the feasibility and desirability of establishing a mechanism to allow farmers and ranchers to shelter a portion of their income in an agricultural real estate asset retirement-type fund. Senator Christmann said this subject matter requires federal action. **It was moved by Representative Dorso, seconded by Senator Christmann, and carried that the Council give priority to Senate Concurrent Resolution No. 4040.**

The Council considered Senate Concurrent Resolution No. 4041, calling for a study of potential tax incentives and regulatory relief that would encourage greater investment participation by North Dakota residents in agricultural business ownership. Senator Christmann said this study may be beneficial in getting nonfarmers to invest in agribusiness in this state. **It was moved by Senator Christmann, seconded by Representative Dorso, and carried that the Council give priority to Senate Concurrent Resolution No. 4041.**

The Council considered Senate Concurrent Resolution No. 4042, calling for a study of the feasibility and desirability of developing and implementing state-wide academic standards for and assessments of elementary and secondary high school students and a system of accountability at the school and school district level. **It was moved by Senator Nething, seconded by Representative Dorso, and carried that the Council give priority to Senate Concurrent Resolution No. 4042.**

The Council reviewed Senate Concurrent Resolution No. 4043, relating to a study of voter registration. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council give priority to Senate Concurrent Resolution No. 4043.**

The Council reviewed Senate Concurrent Resolution No. 4044, calling for a study of the feasibility and desirability of consolidating under the School for the Blind all programs and services provided to children and adults who are blind or visually impaired. Senator Stenehjem said there are gaps between what the School for the Blind and vocational rehabilitation can provide. **It was moved by Senator Stenehjem, seconded by Representative Glassheim, 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 alternative systems for the funding of services delivered to children and adults who are developmentally disabled. Representative Price said she believes this subject will be reviewed in the comprehensive study of human services. **It was moved by Representative Price, seconded by Representative Wald, and carried that the Council not give priority to Senate Concurrent Resolution No. 4045.**

The Council reviewed Senate Concurrent Resolution No. 4046, calling for a study of the

appropriateness and adequacy of the laws on charitable gaming, including the financial remuneration allowed to owners of charitable gaming sites. Representative Dorso said this study is premature because the federal Gaming Commission will be studying this issue. **It was moved by Representative Dorso, seconded by Senator Stenehjem, 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 methods to preserve and provide access to state publications in electronic format. **It was moved by Representative Glassheim, seconded by Representative Price, and carried that the Council not give priority to Senate Concurrent Resolution No. 4047.**

The Council reviewed Senate Concurrent Resolution No. 4048, calling for a study of the feasibility and desirability of revising the sections of the North Dakota Century Code which relate to sexual offenses, sentencing of sexual offenders, and sexual offender commitment treatment. Senator Stenehjem said this study would fit in with the study of the adult correctional system called for in Senate Concurrent Resolution No. 4015. **It was moved by Senator Stenehjem, seconded by Representative Wald, and carried that the Council give priority to Senate Concurrent Resolution No. 4048.**

The Council reviewed Senate Concurrent Resolution No. 4049, calling for a study of the establishment and operation of a disaster relief fund to address property tax needs in federally declared disaster areas. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council not give priority to Senate Concurrent Resolution No. 4049.**

The Council reviewed Senate Concurrent Resolution No. 4050, calling for a study of the feasibility and desirability of implementing a grant preapproval process for every state agency except institutions under the State Board of Higher Education. **It was moved by Representative Wald, seconded by Senator Christmann, 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 classification of criminal offenses throughout the North Dakota Century Code. **It was moved by Senator Stenehjem, seconded by Representative Mahoney, and carried that the Council give priority to Senate Concurrent Resolution No. 4051.**

The Council reviewed House Concurrent Resolution No. 3001, calling for a study of the expansion of psychiatric and geropsychiatric training for primary care physicians at the University of North Dakota School of Medicine and Health Sciences. **It was moved by Representative Dorso, seconded by Representative Price, and carried that the Council**

not give priority to House Concurrent Resolution No. 3001.

The Council reviewed House Concurrent Resolution No. 3002, calling for a study of American Indian long-term care and case management needs, access to appropriate services, and the functional relationship between state service units and the North Dakota American Indian reservation service systems. Representative Price said this subject was studied by the Long-Term Care Committee during the 1997-98 interim. She said she believes the study called for in Senate Concurrent Resolution No. 4004 is broad enough to cover this matter. Senator Krauter said this is an ongoing issue, and he noted that this resolution was recommended by the interim committee. **It was moved by Representative Wald, seconded by Senator Nething, and carried that the Council not give priority to House Concurrent Resolution No. 3002.**

The Council reviewed House Concurrent Resolution No. 3003, calling for a study of the mill levy match program for senior citizens to determine if the program could be expanded to enhance home and community-based service availability. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3003.**

The Council reviewed House Concurrent Resolution No. 3004, calling for a study of the swing-bed process. Representative Price noted that this resolution and House Concurrent Resolution Nos. 3046 and 3070 call for studies related to rural health care. She said she believes House Concurrent Resolution No. 3046 is broad enough to include this subject, and therefore, this resolution is not necessary. **It was moved by Representative Price, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3004.**

The Council reviewed House Concurrent Resolution No. 3005, calling for a study of the feasibility and desirability of facilitating pro se representation in domestic relations matters. **It was moved by Senator Stenehjem, seconded by Representative Dorso, and carried that the Council not give priority to House Concurrent Resolution No. 3005.**

The Council reviewed House Concurrent Resolution No. 3007, calling for a study of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education. It was noted this is a continuation of a study begun during the 1997-98 interim and the 1999 Legislative Assembly had passed the legislation recommended by the committee. **It was moved by Representative Dorso, seconded by Representative Price, and carried that the Council give priority to House Concurrent Resolution No. 3007.**

The Council reviewed House Concurrent Resolution No. 3011, calling for a study of state agency office space needs to determine the feasibility and

desirability of transferring state agencies or state employees to rural areas. It was noted the Council had already given priority to Senate Concurrent Resolution No. 4006, which called for a similar study. **It was moved by Representative Price, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3011.**

The Council reviewed House Concurrent Resolution No. 3013, calling for a study of basinwide water management of the Red River Basin. Representative Dorso said this subject had been studied during the 1997-98 interim by the Garrison Diversion Overview Committee. Representative Glassheim said this is a critical issue and basinwide management is needed. Representative Dorso said local officials will not agree and until there is a consensus on this subject by local water management officials, another study would not be productive. Senator Nelson said basinwide water management is the goal but is not feasible until there is cooperation from local officials. Representative Glassheim said interim committees can sometimes serve to bring people together to solve problems. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3013.**

The Council reviewed House Concurrent Resolution No. 3014, calling for a study of the disparity in prices and the inconsistency in the registration of agricultural pesticides. Representative Dorso said the Government Accounting Office is studying this issue, and this is primarily a federal issue and not much could be accomplished by an interim study of this subject. **It was moved by Representative Wald, seconded by Senator Robinson, and carried that the Council not give priority to House Concurrent Resolution No. 3014.**

The Council reviewed House Concurrent Resolution No. 3016, calling for a study of the qualifications, standards, and the monitoring requirements for guardianship services for incapacitated persons. **It was moved by Representative Price, seconded by Representative Dorso, and carried that the Council not give priority to House Concurrent Resolution No. 3016.**

The Council reviewed House Concurrent Resolution No. 3019, calling for a study of the composition of the Oilseed Council and the impact, at the state and federal levels, of any changes in membership of the council. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the Council not give priority to House Concurrent Resolution No. 3019.**

The Council reviewed House Concurrent Resolution No. 3027, calling for a study of heritage tourism and the relationships among the State Historical Society, Parks and Recreation Department, Tourism Department, Department of Economic Development and Finance, and private sector promoters and

developers of heritage tourism in the state. Senator Nething said this study will fit in with the study of economic development efforts in the state called for in Section 16 of House Bill No. 1019. **It was moved by Senator Nething, seconded by Representative Glassheim, and carried that the Council give priority to House Concurrent Resolution No. 3027.**

The Council reviewed House Concurrent Resolution No. 3043, calling for a study of the clarity and continuity of end-of-life decisionmaking issues and related laws. Representative Price said the Long-Term Care Task Force is looking at issues related to living wills and durable power of attorney issues. **It was moved by Representative Price, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3043.**

The Council reviewed House Concurrent Resolution No. 3045, calling for a study of grain credit sale contracts to determine the need to provide protection for farmers against grain warehouse and grain buyer insolvency. Representative Boucher said there is a need to review the definitions of cash sales and credit sales, as credit sales are not protected under current law. He said the issue is whether the bonds of grain warehouses and grain buyers protect the farmers who sell grain to them. In answer to a question from Representative Wald, Senator Krauter said credit sales of grain are not protected in the event of a fire after delivery by a farmer to an elevator. **It was moved by Representative Boucher, seconded by Senator Krauter, 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 challenges facing the delivery of health care in this state, including the concerns relating to reimbursement of hospitals for medical services, technological innovation, and possible regionalization of services. Representative Price said she believes this study will fit in with the study called for in House Concurrent Resolution No. 3070. **It was moved by Representative Price, seconded by Representative Devlin, and carried that the Council give priority to House Concurrent Resolution No. 3046.**

The Council reviewed House Concurrent Resolution No. 3049, calling for study of taxation and regulatory incentives for the lignite industry in order to improve its competitive position in the energy marketplace and to identify federal and international impediments to development of the lignite industry and potential state actions to address such impediments. Senator Christmann said that even though this subject had been studied during the 1997-98 interim, it is an area that needs continuing attention because of deregulation of the electric industry and other issues. **It was moved by Senator Nething, seconded by Senator Christmann, and carried that the Council give priority to House Concurrent Resolution No. 3049.**

The Council reviewed House Concurrent Resolution No. 3050, calling for a study of methods of identifying and providing appropriate services to gifted students. **It was moved by Representative Wald, seconded by Senator Christmann, and carried that the Council not give priority to House Concurrent Resolution No. 3050.**

The Council reviewed House Concurrent Resolution No. 3051, calling for a study of the role and mission of the Milk Marketing Board. **It was moved by Representative Wald, seconded by Representative Devlin, and carried that the Council not give priority to House Concurrent Resolution No. 3051.**

The Council reviewed House Concurrent Resolution No. 3052, calling for a study of how the transportation infrastructure and services delivery system in this state affect the price for agricultural commodities grown or raised in this state. Representative Wald said he believes this subject is under the jurisdiction of the Great Plains Transportation Institute. **It was moved by Representative Wald, seconded by Senator Stenehjem, and carried that the Council not give priority to House Concurrent Resolution No. 3052.**

The Council reviewed House Concurrent Resolution No. 3053, calling for a study of the feasibility and impact of mental health and substance abuse parity in this state. Representative Price said providers are looking at outpatient options, and she noted that this subject has been studied in recent interims. She said it is premature to do another study at this time. **It was moved by Representative Price, seconded by Senator Nething, and carried that the Council not give priority to House Concurrent Resolution No. 3053.**

The Council reviewed House Concurrent Resolution No. 3054, calling for study of the accreditation standards for elementary and secondary schools, including optional accreditation standards, the fiscal impact of accreditation standards, and the waiver of accreditation standards based on student performance. **It was moved by Representative Wald, seconded by Senator Nething, and carried that the Council give priority to House Concurrent Resolution No. 3054.**

The Council reviewed House Concurrent Resolution No. 3055, calling for a study of the extent of and remedies for damage caused to landowners from depredation by big game animals, waterfowl, and turkeys and damage caused to property by hunters. Representative Devlin said this subject may warrant study of damage to property resulting from hunting. He said bills that would have addressed these problems were defeated during the 1999 session because there was testimony that game and fish fees could not be used for this purpose because of federal regulations. Representative Mahoney said there is also the problem of depredation by deer. Senator Krauter noted that there are problems with township roads being damaged by hunters when the roads are wet. **It**

was moved by Representative Wald, seconded by Representative Glassheim, and defeated that the Council not give priority to House Concurrent Resolution No. 3055. Chairman Nelson announced that the defeat of the motion to not give priority had the effect of a motion to give priority.

The Council reviewed House Concurrent Resolution No. 3058, calling for study of the chemical application industry and to develop a method for assessing or determining damage to misapplication and for resolution of disputes through mediation. Representative Warner said there is a need for mediation to avoid the high cost of going to court. **It was moved by Representative Warner, seconded by Senator Krauter, and carried that the Council give priority to House Concurrent Resolution No. 3058.**

The Council reviewed House Concurrent Resolution No. 3061, calling for a study of taxes imposed by state and local governments and the tax structure and balance among the various tax systems in North Dakota to provide a more equitable distribution of tax burdens. Senator Christmann questioned the need for this study as the State Tax Commissioner is organizing a task force to study this issue. **It was moved by Representative Dorso, seconded by Senator Christmann, and carried that the Council not give priority to House Concurrent Resolution No. 3061.**

The Council reviewed House Concurrent Resolution No. 3062, calling for a study of alternative dispositions, including boot camps, for youth in the juvenile justice system. **It was moved by Senator Stenehjem, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3062.**

The Council reviewed House Concurrent Resolution No. 3064, calling for study of enhanced funding for school districts for quality education and methods of reducing reliance on property taxes for school district funding. Representative Wald said he believes the study under Senate Bill No. 2162 is broad enough to cover this subject. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the Council not give priority to House Concurrent Resolution No. 3064.**

The Council reviewed House Concurrent Resolution No. 3067, calling for review and monitoring of the implementation of legislation enacted by the 56th Legislative Assembly which provides for the delivery of clerk of district court services through state funding and alternative methods. Representative Devlin said a comprehensive review is needed of these issues. It was noted the Council had given priority to House Concurrent Resolution No. 3067. **It was moved by Senator Stenehjem, seconded by Representative Dorso, and carried that the Council not give priority to House Concurrent Resolution No. 3067.**

The Council reviewed House Concurrent Resolution No. 3070, calling for a study of health care in this state relative to access, quality, and cost to determine

essential health care services, critical providers, access sites, and geographic, demographic, and economic issues relating to health care including health care insurance. Representative Price said this study and the study called for in House Concurrent Resolution No. 3046 will provide a comprehensive review of health care, and this resolution calls for a review of health care insurance. **It was moved by Representative Price, seconded by Senator Robinson, and carried that the Council give priority to House Concurrent Resolution No. 3070.**

The Council reviewed House Concurrent Resolution No. 3071, calling for a study of the feasibility and desirability of licensing or franchising the "Dakota Maid" logo and trade name of the North Dakota Mill and Elevator Association and promoting the logo on a nationwide basis. Representative Boucher said North Dakota agricultural products should be promoted in a manner similar to promotions of Florida orange juice. Senator Nelson said the State Mill and Elevator can promote the logo under existing law. **It was moved by Representative Dorso, seconded by Senator Stenehjem, and carried that the Council not give priority to House Concurrent Resolution No. 3071.**

The Council reviewed House Concurrent Resolution No. 3072, calling for a study of the state of the law in this state and other states dealing with the administration of discipline in public schools. **It was moved by Senator Stenehjem, seconded by Senator Robinson, and carried that the Council not give priority to House Concurrent Resolution No. 3072.**

The Council reviewed House Concurrent Resolution No. 3073, calling for a study of the feasibility and desirability of adjustments to income tax deductions for military and other federal retirees. **It was moved by Representative Dorso, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3073.**

The Council reviewed House Concurrent Resolution No. 3074, calling for a study of the amount and value of property owned by nonprofit organizations in this state and the impact of that ownership on local communities and the economy of this state. Senator Christmann said there is a need for review of tax-exempt properties, particularly in light of reports that Indian tribes are buying land that might be exempt from property taxes. Senator Nelson said taxation of tribal lands is a federal issue, and he questioned what could be resolved by another study. Senator Nething noted that the subject of taxation of nonprofit organization property has been studied during recent interims. Representative Dorso said local officials have considerable responsibility under current laws to review exemptions and remove exemptions when they are not warranted. He said Congress will be considering legislation regarding the taxation of tribal land purchases. **It was moved by Representative Dorso, seconded by Representative Price, and**

carried that the Council not give priority to House Concurrent Resolution No. 3074.

The Council reviewed House Concurrent Resolution No. 3075, calling for a study of insurance discrimination against victims of domestic violence. Representative Wald said this issue was addressed by passage of 1999 House Bill No. 1202. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the Council not give priority to House Concurrent Resolution No. 3075.**

The Council reviewed House Concurrent Resolution No. 3077, calling for study of the feasibility and desirability of establishing and funding alternative high schools in rural areas. Representative Boucher said troubled youth still need an education, even after they have been expelled from school. He said there are questions regarding school districts' responsibilities under these circumstances. **It was moved by Representative Dorso, seconded by Representative Devlin, and carried that the Council not give priority to House Concurrent Resolution No. 3077.**

The Council reviewed House Concurrent Resolution No. 3078, calling for a study of the equitable delivery of education services to students in this state and methods of accurately calculating and disbursing state funding for education. Representative Wald said he believes the subject matter of this resolution is covered in Senate Bill No. 2162. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the Council not give priority to House Concurrent Resolution No. 3078.**

The Council reviewed House Concurrent Resolution No. 3079, calling for a study of the relationship of rural subdivisions and townships. **It was moved by Representative Dorso, seconded by Senator Stenehjem, and carried that the Council not give priority to House Concurrent Resolution No. 3079.**

The Council reviewed House Concurrent Resolution No. 3080, calling for a study of the provision of air service and Amtrak service in this state. **It was moved by Senator Christmann, seconded by Representative Wald, and carried that the Council not give priority to House Concurrent Resolution No. 3080.**

Chairman Nelson called on the director to review a memorandum entitled *Employee Assistance Program - Summary of Provider Proposals*. The director said legislation enacted in 1997 provides that employee assistance program services are to be made available to all eligible employees beginning on July 1, 1999. He said this includes members of the Legislative Assembly. He said there are four vendors who provide these services, and a decision is needed concerning which vendor will provide services to members of the Legislative Assembly. He said that decision must be made by June 1, 1999, but if more than one vendor is selected based upon geographical requirements, the selection must be made by May 15, 1999. He said the Public Employees Retirement

System coordinates these services, but it is up to each agency to select a vendor. He reported that members of the Legislative Council staff are covered by St. Alexius/Heartview.

The director reported that Mr. Jeffrey N. Nelson, an attorney on the Legislative Council staff who provides staff services for the interim Employee Benefits Programs Committee, has attended meetings sponsored by the Public Employees Retirement System to obtain information concerning these programs. In answer to a question from Representative Price concerning statewide coverage provided by each of the vendors, Mr. Nelson referred to Appendix B of the memorandum, which outlines the statewide services provided by each vendor. In answer to a question from Senator Nelson, the director said agencies receive periodic reports on usage of the employee assistance program. However, he said, details concerning who has used the program and the nature of the use are confidential. He said the cost for the St. Alexius/Heartview and Medcenter One programs is \$1.25 per employee per month while the cost for VRI and the Village Family Services programs is \$1.35 per employee per month. Senator Nelson said it would make sense for members of the Legislative Assembly to be covered by the same vendor as has been selected for the Legislative Council staff.

It was moved by Senator Stenehjem, seconded by Senator Robinson, and carried on a roll call vote that the Council select St. Alexius/Heartview as the vendor to provide employee assistance services to members of the Legislative Assembly. Voting in favor of the motion were Senators Nelson, Christmann, Krauter, Lindaas, Nething, Robinson, and Stenehjem and Representatives Boucher, Devlin, Dorso, Glassheim, Mahoney, and Wald. Voting against the motion were Representatives Price and Warner.

Chairman Nelson reviewed the list of studies approved by motion at this meeting. It was noted that, including required studies, the Council would have 50 studies this interim, compared to 42 during the last interim. The director noted that in addition to having more studies this interim, the Legislative Council has been given considerable additional duties by action of the Legislative Assembly. In addition, he said there are two new statutory Legislative Council committees as a result of legislation enacted in 1999. He cautioned that more responsibilities and more studies that are added may result in a diminution of resources available for studies over the next two years. **It was moved by Senator Nething, seconded by Senator Robinson, and carried on a roll call vote that 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, Christmann, Krauter, Lindaas, Nething, Robinson, and Stenehjem and Representatives Boucher, Devlin, Dorso, Glassheim, Mahoney, Price, Wald, and Warner. There were no

negative votes. **It was moved by Representative Wald, seconded by Representative Dorso, and carried that the chairman be authorized to prepare a proposed interim committee structure and a questionnaire containing the proposed committee structure and to send the questionnaire to legislators to indicate their preference for service on interim committees.**

The Council considered dates for the next meeting. Chairman Nelson announced that the next

meeting of the Legislative Council would be on Thursday, June 3, 1999.

Chairman Nelson adjourned the meeting at 2:30 p.m.

John D. Olsrud
Director