

# NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

## LEGISLATIVE COUNCIL

Monday, May 14, 2001  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Wesley R. Belter, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Representatives Wesley R. Belter, LeRoy G. Bernstein, Merle Boucher, Duane DeKrey, Lois Delmore, Jeff Delzer, Scot Kelsh, Amy N. Kliniske, John Mahoney; Senators John M. Andrist, Dwight Cook, Aaron Krauter, Judy Lee, Tim Mathern, Dave Nething, Larry J. Robinson, Bob Stenehjem

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

See attached appendix for additional persons present

**It was moved by Senator Krauter, seconded by Representative DeKrey, and carried on a voice vote that the minutes of the May 1, 2001, meeting be approved as distributed.**

Chairman Belter welcomed the attendees and outlined the procedures to be followed. He said testimony traditionally is not received at this meeting, but members of the Legislative Council may ask questions of individuals during the course of the meeting. He said if anyone present wished to say anything regarding any of the studies, he would consider providing an opportunity for that testimony.

Chairman Belter called on the director of the Legislative Council to review the documents that had been distributed. The director reviewed a memorandum entitled *2001 Legislation Directly Affecting the Legislative Council and the Legislative Assembly*. He said this memorandum contains numerous reporting requirements and other duties that will be assigned to interim committees. He said another memorandum entitled *Legislative Council Studies and Resolutions to Be Prioritized for the 2001-02 Interim (Arranged According to Subject Matter)* should not be viewed as a proposed committee list, but the proposed studies are arranged by subject matter to assist members of the Council in determining those studies that are related to each other. He said a third document had been mailed to members of the Council entitled *Studies to Be Considered by the Legislative Council for the 2001-02 Interim*, which arranged the proposed studies in numerical order. He said the largest document placed before members of the Legislative Council is a memorandum entitled *Legislative Council Studies and Resolutions to Be Prioritized for the*

*2001-02 Legislative Interim*, which arranges the proposed studies in numerical order and also provides information on recent studies and similar studies that may have been proposed and not prioritized in recent years. He said also in front of each member is a looseleaf binder containing all bills and resolutions calling for studies and arranged in numerical order which could be used to review the actual text of proposed studies and to get information on sponsorship of bills and resolutions.

The director said there are 85 proposed studies. He said in recent interims the Legislative Council has prioritized approximately half that number. He said in addition to the discretionary studies, there are several required studies, and there are several statutory committees that have been assigned responsibilities in addition to studies that may be prioritized by the Legislative Council.

Chairman Belter announced that the Legislative Council would follow the memorandum entitled *Legislative Council Studies and Resolutions to Be Prioritized for the 2001-02 Legislative Interim* and that acceptance of each study would be assumed unless there was a motion to not give priority to a specific bill or resolution.

The Council reviewed Section 14 of House Bill No. 1003, calling for a study of the Racing Commission, including its authority to schedule, promote, support, and regulate live or simulcast racing in North Dakota. As no motion to not give priority to this proposed study was made, Chairman Belter announced that this proposed study would be given priority.

The Council reviewed Section 17 of House Bill No. 1012, calling for a study of the feasibility and desirability of state administration of child support, including the fiscal effect on counties and the state. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed Section 18 of House Bill No. 1012, calling for a study of the senior citizen mill levy matching grant program. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed Section 22 of House Bill No. 1015, calling for a study of health insurance company benefit limitations, including maximum

payments or reimbursements for prescribed medicines and treatments and the effect of limiting benefit payments or reimbursements on consumers, family members, and individuals with incurable illnesses. Representative Delzer said this would be a subject difficult to study. Representative Boucher said some people have ongoing prescription obligations and other health insurance problems, and this study would be worthwhile. Senator Mathern noted there are three or four potential studies of prescription drugs, and he suggested at least one of these studies be given priority. Senator Andrist questioned whether a study will lead to worthwhile legislation.

After considerable discussion of this proposed study, Chairman Belter announced the Legislative Council would return to this proposed study later in the meeting.

The Council reviewed Section 29 of House Bill No. 1196, calling for a study of the long-term care needs and the nursing facility payment system in North Dakota. As no motion was made, Chairman Belter announced that this proposed study would be given priority.

The Council reviewed Section 2 of House Bill No. 1206, calling for a study of all aspects of improvements by special assessment and property tax assessment and abatements, to include a determination of the true and full value of subsidized housing for property assessments, and the homestead tax valuation for senior citizens. As no motion was made, Chairman Belter announced that this proposed study would be given priority.

The Council reviewed Section 1 of House Bill No. 1269, calling for a study of issues relating to resident and nonresident hunting in this state. Chairman Belter announced that this is a required study.

The Council reviewed Section 1 of House Bill No. 1338, calling for a study of issues related to genetic modification. As no motion was made, Chairman Belter announced that this proposed study would be given priority.

The Council reviewed Section 17 of House Bill No. 1344, calling for a study of the feasibility and desirability of implementing a teacher compensation package that recognizes four levels of teachers from beginning to advanced. Senator Mathern questioned a need for this study. He said the Legislative Assembly changed the way of funding public education, and he said perhaps there needs to be experience and monitoring before changes are made. Senator Cook said other states are changing the ways of distributing state funds to schools. He noted the states of Iowa and Nebraska are currently reviewing various options on the funding of public school education. As no motion was made, Chairman Belter announced that this proposed study would be given priority.

The Council reviewed Section 2 of House Bill No. 1377, calling for a study of the ability of

occupational and professional boards with fewer than 100 licensees to process disciplinary complaints and to carry out other statutory responsibilities. Representative Mahoney questioned the need for this study. Senator Andrist said he would like to see this study expanded to include all aspects of state liability for these licensing boards. He said although the boards act independently, the state is ultimately responsible and needs to get a handle on these licensing boards. Senator Nething noted that the State Podiatry Board incurred liabilities beyond that board's ability to pay. In response to a question by Representative Mahoney, Senator Lee said the state appears to be ultimately liable, and some type of umbrella structure may be needed to give these licensing boards stability. She noted that some licensing boards have more authority than others. Representative Delzer said perhaps some central authority, such as the Secretary of State, should have some responsibility over the various licensing boards. As no motion was made, Chairman Belter announced that this proposed study would be given priority.

Chairman Belter announced that the study proposed in Section 1 of House Bill No. 1390, relating to a study of the use of biodiesel fuel in this state, is required.

Chairman Belter announced that the study in Section 2 of House Bill No. 1407, proposing a study of existing mandated health insurance coverage of services and the feasibility and desirability of repealing state laws mandating health insurance coverage of services, is required.

The Council reviewed Section 1 of House Bill No. 1431, calling for a study of the correctional system in North Dakota, including its functions, responsibilities, funding, causes for increases in the state's inmate population, and the effectiveness of sentencing laws, incarceration, and treatment. Representative Belter said Senate Bill No. 2016 covers the subject matter of this proposed study. Representative Belter recommended that this proposed study not be approved. **It was moved by Senator Nething, seconded by Senator Lee, and carried on a voice vote that the Council not give priority to this study.**

The Council returned to the study proposed in Section 22 of House Bill No. 1015, relating to a study of health insurance company benefit limitations, including maximum payments for reimbursements for prescribed medicines. **It was moved by Senator Andrist, seconded by Representative Delzer, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed the study proposed in Section 3 of House Bill No. 1441, relating to a study of the coordination of medical assistance and the children's health insurance programs, including the development of a single application form for both programs. As no motion was made, Chairman Belter

announced that this proposed study would be given priority.

The Council reviewed the study proposed in Section 7 of Senate Bill No. 2002, relating to a study of the implementation of the clerk of court unification, including a review of the delivery of services by clerks of court and the responsibility for restitution collection and enforcement activities. Representative Mahoney questioned the need for this study because this subject has been studied several times in recent interims. Senator Nething said the restitution process is a new subject for study and needs to be reviewed. He said there are two ways restitution is now being handled, and he said monitoring of the unification of the clerks of court system is needed. He said there are still questions whether unification will work. Representative Mahoney said the Court Services Committee of the North Dakota Supreme Court will be reviewing this subject. Chairman Belter announced that the Council would return to this subject.

The Council reviewed Section 17 of Senate Bill No. 2003, calling for a study of the responsibilities and functions of the College Technical Education Council and the implementation of the workforce training regions, including how the regions are functioning. Senator Nething said this study resulted from conference committee deliberations on Senate Bill No. 2003, and he said this study could be combined with the study called for in Section 18 of Senate Bill No. 2003, relating to the State Board of Higher Education's implementation of the performance and accountability measures required by Senate Bill No. 2041. Senator Krauter said Section 17 is a continuing monitoring responsibility regarding economic development and is needed. Chairman Belter said Sections 17 and 18 of Senate Bill No. 2003 would be studied.

The Council reviewed Section 3 of Senate Bill No. 2007, calling for a study of the management structure and oversight of the Veterans Home and the selection process for the commandant or administrator of the home. Senator Mathern noted that the State Auditor would be providing a performance audit of the Veterans Home, and he suggested this study not be given priority. **It was moved by Senator Mathern and seconded by Senator Krauter that the Council not give priority to this study.** In the discussion that followed, Senator Andrist said this is an important study and that there is a poor management structure at the Veterans Home, and the veterans' groups want to improve the system. Senator Mathern said he does not question the importance of the study, but the State Auditor's performance audit will provide the information needed. Representative Delzer said a study of this subject will be beneficial, and Representative Boucher said there is a need to reduce the number of studies, and the performance audit will provide necessary information to the Legislative Audit and Fiscal Review Committee. Senator Andrist said prior audits have shown there are

problems in the management structure which need a solution. He said the audit will not address solutions to the problem. Senator Nething said there is a history of problems at this institution, and he said the selection process for the commandant is different from the process at every other institution. He said the Legislative Assembly needs to come up with a resolution to this problem.

Chairman Belter called for a vote on the motion to not give priority to Section 3 of Senate Bill No. 2007, and **the motion was defeated on a voice vote.** Chairman Belter announced that Section 3 of Senate Bill No. 2007 would be given priority for study.

The Council reviewed Section 2 of Senate Bill No. 2012, calling for a study of the efficiency and effectiveness of the operation of the State Fleet Services program of the Department of Transportation. Representative Boucher said he does not believe this study is required. **It was moved by Representative Boucher, seconded by Representative Mahoney, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed the study proposed in Section 16 of Senate Bill No. 2015, relating to a study of the mission of the Industrial Commission relating to the responsibilities of the Oil and Gas Division and the Geological Survey. Representative Delzer noted that this subject was studied last interim. **It was moved by Representative Kliniske, seconded by Representative Delzer, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed the study proposed in Section 4 of Senate Bill No. 2016, relating to wages paid to inmates sentenced to the state correctional system. Representative Delzer noted that Section 5 of Senate Bill No. 2016 requires a study of the Department of Corrections and Rehabilitation. **It was moved by Representative Delzer, seconded by Representative DeKrey, and carried on a voice vote that the Council not give priority to this study.**

Chairman Belter announced that Section 5 of Senate Bill No. 2016, calling for a study of the facilities and operations of the Department of Corrections and Rehabilitation, is a required study.

The Council reviewed the study proposed in Section 16 of Senate Bill No. 2019, relating to the availability of venture capital, tax credits, and other financing and research and development programs for new or expanding businesses. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed the study proposed in Section 17 of Senate Bill No. 2019, relating to the feasibility and desirability of expanding North Dakota's economic development marketing efforts to include international markets and establishing a global marketing division within the Department of Commerce. In response to a question from

Representative Mahoney, Senator Nething said just because a state agency has responsibility for a subject matter does not mean the Legislative Council should not study that subject, and this is the time to study to build a broader base regarding this matter. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed the study proposed in Section 4 of Senate Bill No. 2020, relating to workforce training and development programs, including efforts to recruit and retain North Dakota's workforce. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed the study proposed in Section 2 of Senate Bill No. 2027, calling for a study during the 2003-04 interim on the efficiency and effectiveness of each motor vehicle branch office included in the motor vehicle branch office pilot project. As this legislation calls for a study in the following interim, Chairman Belter announced that no action would be required at this time.

The Council reviewed the study called for in Section 5 of Senate Bill No. 2159, relating to highway construction and maintenance funding. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed the study proposed in Section 1 of Senate Bill No. 2174, relating to the feasibility of altering North Dakota medical assistance requirements to permit the disregard of income of the spouse of a disabled individual up to the amount of the cap established under federal law. Representative Delzer said this was a philosophical question, and he does not believe there is a need for a study. Senator Mathern said spouses are being impoverished, and this study is important. Senator Lee said perhaps this study could be tied in with the children's health insurance program study. **It was moved by Representative Delzer, seconded by Senator Stenehjem, and carried on a voice vote that the Council not give priority to the study.**

The Council reviewed the study proposed in Section 1 of Senate Bill No. 2187, relating to trusts for individuals with disabilities. Senator Andrist said this is a legal issue and could be the subject matter of a bill that could be accepted or rejected by the Legislative Assembly. Senator Mathern said this is a complicated subject, and there have been bills, but there has been insufficient information relating to the effect on Medicaid laws and other issues. **It was moved by Senator Andrist and seconded by Representative Delzer that the Council not give priority to this study.** A recorded roll call vote was requested. Voting in favor of the motion were Representatives Belter, Bernstein, Delzer, and Kliniske and Senators Andrist, Cook, Lee, and Stenehjem. Voting against the motion were Representatives Boucher, DeKrey, Delmore, Kelsh, and Mahoney and Senators Krauter, Mathern, Nething, and Robinson. Chairman Belter

announced that **the motion was defeated**, so the study called for in Senate Bill No. 2187 would be given priority.

The Council reviewed the study proposed in Section 1 of Senate Bill No. 2282, relating to methods to encourage production and consumption of ethanol. Senator Robinson said this subject should be studied in light of the energy crisis, the fact that there may be a need for more energy plants, and the price of energy. Representative Delzer said emphasis on encouraging production and consumption of ethanol is worth study. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed the study proposed in Section 1 of Senate Bill No. 2324, relating to the delivery of a core curriculum to each elementary and high school student. Senator Cook said there have been prior studies on this subject. **It was moved by Senator Cook, seconded by Senator Stenehjem, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed the study proposed in Section 1 of Senate Bill No. 2330, relating to the coordination of benefits for children with special needs among the Department of Public Instruction, the Department of Human Services, and private insurance companies. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed the study proposed in Section 1 of Senate Bill No. 2354, relating to the feasibility and desirability of an alternatives-to-abortion services program. Senator Lee said there had been much discussion regarding concerns over federal funding, and this is an important study. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed the study proposed in Section 6 of Senate Bill No. 2380, relating to programs dealing with the prevention and treatment of alcohol, tobacco, and drug abuse and other kinds of risk-associated behavior which are operated by various state agencies. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed the study proposed in Section 2 of Senate Bill No. 2419, relating to issues regarding financial responsibility requirements for commercial pesticide applicators. **It was moved by Representative DeKrey, seconded by Senator Cook, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed the study proposed in Section 1 of Senate Bill No. 2428, relating to the state and local tax structure for funding of elementary and secondary education. Representative Delzer noted the relationship between this study and the study called for in House Concurrent Resolution No. 3060.

As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed Section 1 of Senate Bill No. 2448, relating to a study of the compliance and jurisdictional issues under the tobacco, alcohol, and fuels tax laws. In response to a question from Senator Mathern, Senator Stenehjem said this study relates to issues of tax-free sales of tobacco, alcohol, and fuels. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council returned to a discussion of Section 1 of House Bill No. 1338, which had previously been approved for study. **It was moved by Representative Delzer, seconded by Representative DeKrey, and carried on a voice vote that the Council limit the study called for in Section 1 of House Bill No. 1338, relating to genetic modification, to agricultural issues and refer this study to an agriculture-related committee.**

The Council reviewed the study called for in House Concurrent Resolution No. 3002, relating to the revision of North Dakota Century Code Title 15 for the purpose of reconciling inconsistencies or irregularities. **It was moved by Senator Cook, seconded by Senator Krauter, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3003, relating to a study of legislative redistricting for use in the 2002 primary election. At the request of Representative Boucher, Chairman Belter announced that consideration of House Concurrent Resolution No. 3003 would be deferred until later in the meeting.

The Council reviewed House Concurrent Resolution No. 3005, calling for a study of the fees and point demerits for traffic offenses. Senator Stenehjem said this is the time to study this subject, as many laws have been passed through the years that may have inconsistencies regarding fees and point demerits for traffic offenses. As no motion was made, Chairman Belter announced that this subject would be given priority for study.

The Council reviewed House Concurrent Resolution No. 3010, calling for a study of the property tax exemption for public housing authorities. **It was moved by Senator Cook, seconded by Representative Delzer, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3013, calling for a study of the designation of highways in the state highway system and the county road system. **It was moved by Representative Delzer, seconded by Senator Stenehjem, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3015, calling for a study of the separation of powers between the legislative, executive, and judicial

branches and the distinction between the responsibilities of each branch. **It was moved by Representative DeKrey, seconded by Senator Mathern, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3017, 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. As no motion was made, Chairman Belter announced that this study would be given priority.

The Council reviewed House Concurrent Resolution No. 3022, calling for a study of the use of incentive programs as a way of keeping elk in this state. **It was moved by Senator Mathern, seconded by Representative DeKrey, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3023, calling for a study of the use of easements to protect agricultural and other lands in North Dakota. **It was moved by Representative DeKrey and seconded by Representative Mahoney that the Council not give priority to this study.** In the discussion that followed, Representative Kelsh said it is important to bring groups together to discuss this issue. Senator Mathern said this study could be relevant to the problems related to beltways along the Red River. Representative DeKrey said this is a policy issue, and he is not sure that having a study will bring the groups together. Representative Mahoney said there is a considerable amount of information available on this subject, and he is not sure a study will help. Representative DeKrey noted that there had been prior studies and bills that have failed to pass on this subject. Senator Mathern said the federal government is cutting payments for flood control buyouts, and mitigation of flooding is needed.

Chairman Belter called for a vote on the motion, and **the motion carried on a voice vote.**

The Council reviewed House Concurrent Resolution No. 3026, calling for a study of the feasibility and desirability of wind energy development in North Dakota. **It was moved by Representative Delzer and seconded by Representative Kliniske that the Council not give priority to this study.** In the discussion that followed, Representative Delzer said several bills passed this session relating to wind energy development. Representative Kelsh noted there is a statutory Electric Industry Competition Committee, and that committee's responsibilities could be broadened to include transmission lines and questions related to the tying of various energy sources together. Representative Boucher said because of the energy crisis in California and issues related to air quality in this state, this study could be valuable. He said North Dakota may be able to capitalize on the opportunity created by the national

energy crisis. Senator Lee said this appears to raise the question regarding what the Legislative Assembly could accomplish.

Senator Krauter asked for a recorded roll call vote on the motion. Voting in favor of the motion were Representatives Belter, Bernstein, DeKrey, Delzer, and Kliniske and Senators Andrist, Cook, Lee, Nething, and Stenehjerm. Voting against the motion were Representatives Boucher, Delmore, Kelsh, and Mahoney and Senators Krauter, Mathern, and Robinson.

Senator Krauter asked Chairman Belter if he would consider asking the Electric Industry Competition Committee to look at wind energy. Senator Robinson said that committee has spent a considerable amount of time on taxation issues, but distribution is an issue concerning wind energy. In response to a question, the director reviewed the statutes relating to the jurisdiction of the Electric Industry Competition Committee. Representative Delzer said no action is needed as wind energy is part of that committee's jurisdiction. **It was moved by Senator Lee, seconded by Senator Mathern, and carried on a voice vote that the Electric Industry Competition Committee include wind energy in its studies.**

The Council reviewed the study called for in House Concurrent Resolution No. 3037, relating to the feasibility and desirability of creating cost-sharing or funding mechanisms for the unexpected discovery of cultural or paleontological resources within local road projects. **It was moved by Senator Andrist and seconded by Senator Nething that the Council not give priority to this study.** In the discussion that followed, Representative Mahoney said this is an important issue in several parts of the state, and a study could result in a cost-sharing system between the state and local governments. Senator Mathern noted that the North Dakota Association of Counties encourages the Council to conduct this study. Senator Stenehjerm said he understands that finding historical artifacts in a construction project can be very costly.

Chairman Belter called for a vote on the motion, and **the motion failed on a voice vote.** Chairman Belter announced that the study called for in House Concurrent Resolution No. 3037 would be given priority.

The Council reviewed House Concurrent Resolution No. 3043, calling for a study of the fiscal note process. **It was moved by Representative Kliniske, seconded by Senator Cook, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3044, calling for a study of the feasibility and desirability of establishing a putative fathers' adoption registry. **It was moved by Representative DeKrey, seconded by Representative Delzer, and carried**

**on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3047, calling for a study of the property tax assessment and valuation of agricultural property. Senator Robinson said he has been asked by assessors to give this study priority. As no motion was made, Chairman Belter announced that House Concurrent Resolution No. 3047 would be given priority.

The Council reviewed House Concurrent Resolution No. 3048, calling for a study of the feasibility and desirability of creating a State Department of Health division of women's health and an advisory committee on women's health. **It was moved by Representative Delzer, seconded by Representative Kliniske, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3050, calling for a study of the feasibility and desirability of realigning the divisions within the Department of Human Services or moving some divisions or functions to the State Department of Health or other state agencies. Representative Delzer noted that there have been several recent studies on similar topics. **It was moved by Representative Delzer, seconded by Senator Lee, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3052, calling for a study of issues of safety, efficiency, and cost-effectiveness with respect to school district transportation. As no motion was made, Chairman Belter announced that the Council would give priority to House Concurrent Resolution No. 3052.

The Council reviewed House Concurrent Resolution No. 3054, calling for a study of the impact on domestic relations law of using the term "parental responsibility" in lieu of "custody" and "parenting time" in lieu of "visitation." **It was moved by Representative DeKrey, seconded by Representative Mahoney, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3055, calling for a study of the effectiveness of various economic development incentives. **It was moved by Representative Delzer and seconded by Representative Kliniske that the Council not give priority to this study.** Representative Boucher said this is a specific study that relates to creating a reporting system to compile a complete inventory of economic development incentive programs and to evaluate the effectiveness of those programs. He said with the establishment of the new Commerce Department it may be appropriate to review the various laws providing economic development incentives to see if those laws are consistent and effective.

Chairman Belter called for a vote on the motion, and **the motion carried on a voice vote.**

The Council reviewed House Concurrent Resolution No. 3056, calling for a study of and future demands on the transportation infrastructure of this state. **It was moved by Senator Nething and seconded by Representative DeKrey that the Council not give priority to this study.** In the discussion that followed, Senator Nething questioned how a complete study of the transportation infrastructure could be accomplished. Representative Boucher said it is critical to look at the transportation infrastructure as it is going to be increasingly difficult to provide for that infrastructure in rural areas because of declining populations. Senator Stenehjem said he is involved with a study by the Department of Transportation, and the department is carrying out a comprehensive study on this subject. Chairman Belter called for a vote on the motion, and **the motion carried on a voice vote.**

The Council reviewed House Concurrent Resolution No. 3057, calling for a study of the technological capacity and needs of the state. Senator Robinson said the subject matter of this resolution is inherent in the responsibilities of the statutory Information Technology Committee. Noting there is also an advisory committee to the Information Technology Department, Representative Delzer said he believes it is important there be legislative input in policy decisions of the Information Technology Department. As no motion was made, Chairman Belter announced that House Concurrent Resolution No. 3057 would be given priority.

The Council reviewed House Concurrent Resolution No. 3058, relating to a study of projections of the delivery of health care services in the state. Representative Boucher said it is necessary to take a serious look at the health care infrastructure of this state. **It was moved by Representative DeKrey and seconded by Representative Delzer that the Council not give priority to this study.** In the discussion that followed, Senator Lee said this subject is important, and there is concern about the provision of health care services, particularly in rural areas of this state. Representative Delzer noted the study called for in House Bill No. 1196 relates to long-term care but would have an impact on hospitals and other health care institutions. Representative Delmore said long-range planning is needed. Senator Mathern said this study is important, particularly because there will be a new State Health Officer. Senator Robinson said health care in rural areas is critical to the well-being of the citizens in those areas. Senator Krauter requested a recorded roll call vote. Voting in favor of the motion were Representatives Belter, Bernstein, DeKrey, Delzer, and Kliniske and Senators Andrist, Cook, Nething, and Stenehjem. Voting against the motion were Representatives Boucher, Delmore, Kelsh, and Mahoney and Senators Krauter, Lee,

Mathern, and Robinson. Chairman Belter announced that **the motion carried.**

The Council reviewed House Concurrent Resolution No. 3059, calling for a study of water concerns and needs of this state. Senator Mathern said the subject matter of this resolution appears to fall within the jurisdiction of the Garrison Diversion Overview Committee. **It was moved by Representative DeKrey, seconded by Representative Delzer, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3060, calling for a study of the feasibility and desirability of providing school district property tax relief and replacement of revenues through state funding. Senator Cook noted that the Council had approved the study called for in Senate Bill No. 2428, relating to the state and local tax structure for funding of elementary and secondary education. **It was moved by Senator Cook, seconded by Representative DeKrey, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3061, calling for a study of the delivery of elementary and secondary education. As no motion was made, Chairman Belter announced that House Concurrent Resolution No. 3061 would be given priority.

The Council reviewed House Concurrent Resolution No. 3062, calling for a study of issues relating to the cost of prescription drugs. Senator Andrist said this is primarily an issue for the federal government to solve. **It was moved by Senator Andrist and seconded by Senator Nething that the Council not give priority to this study.** In the discussion that followed, Representative Boucher said this is a serious issue that affects the lives of many people. He said state governments and the federal government should be looking at this to see what can be done about the high cost of prescription drugs. Senator Krauter said much time is spent on crop harmonization, which is also a federal issue, but the state is looking to see what can be done. He said there is value in learning about an issue even if there is no specific legislative solution. Senator Lee said there is a considerable amount of information available on this subject, and she believes there is little the state can do. Senator Mathern said costs to the state are increasing dramatically because of the high cost of prescription drugs, and this subject should be studied. Chairman Belter called for a vote on the motion, and **the motion carried on a voice vote.**

The Council reviewed House Concurrent Resolution No. 3064, calling for a study of workers' compensation fraud. **It was moved by Representative Delzer, seconded by Representative Mahoney, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3065, calling for a study of the negative impact due to diminishing rail access and service. Representative Delzer said this subject is within the jurisdiction of the Upper Great Plains Transportation Institute. **It was moved by Representative Delzer, seconded by Representative DeKrey, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3066, calling for a study of the feasibility and desirability of increasing the communication between the executive and legislative branches to monitor and assess the development of state policy regarding economics, population, and business growth. **It was moved by Representative DeKrey, seconded by Representative Kliniske, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3067, calling for a study of the feasibility and desirability of establishing a behavior modification academy for certain adult and juvenile offenders. Representative DeKrey said he believes the comprehensive corrections study will cover this subject. Representative Mahoney said boot camps have been tried in other states, but this is a new subject in this state. **It was moved by Representative DeKrey, seconded by Representative Delzer, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed House Concurrent Resolution No. 3068, calling for a study of the feasibility and desirability of creating a tiered early childhood facility licensure system. **It was moved by Senator Andrist and seconded by Representative Delzer that the Council not give priority to this study.** Representative Kelsh said he does not believe a study of this subject would require substantial resources, and he noted a recent case in West Fargo in which a father thought a child care facility was licensed when in fact it was not. Chairman Belter called for a vote on the motion, and **the motion carried on a voice vote.**

The Council reviewed Senate Concurrent Resolution No. 4001, calling for a study of the property tax exemption for institutions of public charity providing a combination of health and housing services. Representative Boucher noted that Senate Concurrent Resolution No. 4001 was recommended by an interim committee from the last interim. Senator Mathern said the resolution was recommended by the Advisory Commission on Intergovernmental Relations because, although the problems related to differences in tax-exempt treatment for various senior citizen housing facilities came up during the last interim, the commission did not have the time to study the issue. **It was moved by Representative DeKrey, seconded by Representative Kliniske, and carried**

**on a voice vote that the Council not give priority to this study.**

The Council reviewed Senate Concurrent Resolution No. 4011, calling for a study of the library system in this state to determine the most efficient and effective methods for delivery of library services. **It was moved by Senator Cook, seconded by Representative DeKrey, and carried on a voice vote that the Council not give priority to this study and that the study called for in House Concurrent Resolution No. 3057, which calls for a study of the technological capacity and needs of the state, be expanded to include delivery of library services by technology.**

The Council reviewed Senate Concurrent Resolution No. 4014, calling for a study of the adoption laws of this state and other states. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4014 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4017, calling for a study of establishing a retirement program for all law enforcement and correctional officers. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4017 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4018, calling for a study of the commitment procedures in this state. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4018 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4019, calling for a study of medical and financial privacy laws in this state. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4019 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4020, calling for a study of state employee compensation and benefit levels. **It was moved by Representative Kliniske, seconded by Representative Delzer, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed Senate Concurrent Resolution No. 4027, calling for a study of prescription drug prices. Representative Delzer noted that this study is very similar to the study called for in House Concurrent Resolution No. 3062, which the Council did not give priority. Senator Lee said the state could have an impact on this subject, and this matter should be studied. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4027 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4031, calling for a study of the state corporate income tax laws. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4031 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4032, calling for a study of the feasibility and desirability of exempting funds set aside in a trust for a child's education when determining the child's eligibility for certain human services programs. Senator Andrist noted this study is very similar to the study called for in Senate Bill No. 2187, and this study could be combined with that study. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4032 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4033, calling for a study of the commitment procedures for individuals with mental illness. Representative Mahoney noted that this subject had been studied last interim. Senator Mathern said the last study concentrated on sexual predators, and a general study of the commitment laws is needed. Senator Nething said human service centers, the State Hospital, and the courts are working on this subject, but it is important to have legislative involvement. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4033 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4034, calling for a study of issues and concerns of implementing charitable choice, the privatization of federally funded welfare service through faith-based organizations. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4034 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4038, calling for a study of the benefits and risks associated with the use of contracts in agricultural production. Representative Delzer questioned what could be accomplished with this study. **It was moved by Representative Delzer, seconded by Representative Kliniske, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed Senate Concurrent Resolution No. 4042, calling for a study of a centralized process for administering noncriminal traffic violations. Senator Stenehjem said the Drivers License Division of the Department of Transportation wants this study. In response to a question from Representative Kliniske, Senator Stenehjem said the reporting and recording of violations is a continuing problem. As no motion was made, Chairman Belter announced that Senate Concurrent Resolution No. 4042 would be given priority.

The Council reviewed Senate Concurrent Resolution No. 4043, calling for a study of the feasibility and desirability of promoting carbon sequestration programs in this state. Representative Delzer said this subject matter is driven by the private sector and the federal government. **It was moved by Representative Delzer, seconded by Senator Stenehjem,**

**and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed Senate Concurrent Resolution No. 4046, calling for a study of issues related to the Missouri River in this state. Representative DeKrey noted the subject matter of this resolution is within the jurisdiction of the statutory Garrison Diversion Overview Committee. **It was moved by Representative DeKrey, seconded by Representative Delzer, and carried on a voice vote that the Council not give priority to this study.**

The Council reviewed Senate Concurrent Resolution No. 4049, calling for a study of limiting actions for lead-based paint claims. **It was moved by Representative Delzer and seconded by Senator Stenehjem that the Council not give priority to this study.** In the discussion that followed, Senator Mathern said this subject should be studied. Senator Lee said federal law covers this subject, but there is a need for a better understanding of the liability issues involved. Senator Mathern said there are questions that were raised at the end of the legislative session for which study is needed. Representative Delzer said both public and private buildings have the same problems and any changes regarding statutes of limitations should apply to both public and private buildings. A recorded roll call vote was requested. Voting in favor of the motion were Representatives Belter, Bernstein, DeKrey, Delzer, and Kliniske and Senators Andrist, Cook, Nething, and Stenehjem. Voting against the motion were Representatives Boucher, Delmore, Kelsh, and Mahoney and Senators Krauter, Lee, Mathern, and Robinson. Chairman Belter announced that **the motion to not give priority to this study carried.**

The Council took a luncheon break from 12:15 to 1:15 p.m.

Chairman Belter called on the director to review the employee assistance program for legislators. The director reported that since 1999, all state employees, including legislators, are covered by an employee assistance program. He said the Public Employees Retirement System coordinates this program, and there are four vendors who provide these services. He said the Legislative Council staff is covered by a program offered by St. Alexius/Heartview and that this vendor has contracts with service providers throughout the state to provide assistance to those who need the services. The director said in 1999 the Legislative Council selected St. Alexius/Heartview as the vendor to provide employee assistance services to members of the Legislative Assembly, and a motion is needed if the program with that vendor is to continue. In response to a question from Representative Bernstein, the director said there are several vendors in other parts of the state who are available through the St. Alexius/Heartview program. **It was moved by Representative DeKrey, seconded by Senator Robinson, and carried on a voice vote**

**that the Council select St. Alexius/Heartview as the vendor to provide employee assistance services to members of the Legislative Assembly.**

Chairman Belter announced that the Council would return to a discussion of Section 7 of Senate Bill No. 2002, which calls for a study of the implementation of the clerk of court unification and the delivery of services by clerks of court. **It was moved by Representative DeKrey, seconded by Representative Delzer, and carried on a voice vote that the Council give approval to this study, but that the study be limited to responsibility for restitution collection and enforcement activities.**

Chairman Belter announced that the Council would review House Concurrent Resolution No. 3003, calling for a study of legislative redistricting. He said he plans to present a committee for approval by the Council at the next meeting. He said the committee will have approximately 15 members, and legislators will be given the opportunity to express interest in this committee in the questionnaires to be mailed out after this meeting.

Senator Mathern said the Legislative Council should review and make decisions concerning the makeup of the redistricting committee at this meeting. Chairman Belter reported on the partisan breakdowns of the redistricting committees in 1981 and 1991. He said in 1981 the membership was proportional to party representation in each house, and in 1991 the committee consisted of an equal number of members of both political parties. However, he said, at that time control of the Legislative Assembly was split between the two parties. He said he plans to recommend proportional representation on the redistricting committee. Senator Mathern said equal representation serves the interests of both political parties. Chairman Belter said his intent will be to be fair to the minority, but the committee will reflect the makeup of the Legislative Assembly as decided by the voters of this state.

Representative Boucher suggested that the vice chairman of the redistricting committee be a member of the minority party. Chairman Belter said he would take that suggestion under consideration.

In answer to a question from Representative Delmore, the director said the Legislative Council approved a committee structure of 23 committees during the last interim. Senator Robinson noted the history of the Legislative Council reflects that until a few years ago, the vice chairmen of study committees were members of the opposite party of the chairmen. Chairman Belter said he plans to suggest committee chairmen select their own vice chairmen, and the only

restriction will be that the vice chairmen be from the opposite house of the chairmen. Representative Delzer said when minority members are given opportunities, that means that members of the majority party lose the opportunity to develop leadership in those positions.

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

**It was moved by Representative Delzer, seconded by Representative DeKrey, and carried on a roll call vote that all resolutions and bills considered at this meeting calling for studies which were not disapproved be given priority for study by interim committees.** Voting in favor of the motion were Representatives Belter, Bernstein, Boucher, DeKrey, Delmore, Delzer, Kelsh, Kliniske, and Mahoney and Senators Andrist, Cook, Krauter, Lee, Mathern, Nething, Robinson, and Stenehjem. There were no negative votes.

In answer to a question from Senator Andrist, the director provided a history of meetings of the Legislative Council during recent interims. He said the Council traditionally holds at least four meetings--one to select a chairman, one to establish priorities for studies, one to approve a committee structure, and one to receive final reports of interim committees. He said the Legislative Council has occasionally had special meetings to set the dates for convening of Legislative Assemblies, to appoint a new legislative budget analyst and auditor when there was a retirement, and to receive interim reports from study committee chairmen.

Chairman Belter announced that the next meeting of the Legislative Council would be Thursday, June 14, 2001. **It was moved by Senator Cook, seconded by Representative DeKrey, and carried that the meeting be adjourned.** Chairman Belter adjourned the meeting at 2:00 p.m.

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John D. Olsrud  
Director

ATTACH:1