

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL

Friday, May 16, 2003
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Bob Stenehjem, Dwight Cook, Ray Holmberg, Aaron Krauter, Karen K. Krebsbach, Judy Lee, David P. O'Connell, Larry Robinson; Representatives Rick Berg, Merle Boucher, Al Carlson, Lois Delmore, Scot Kelsh, Clara Sue Price, Ken Svedjan, John Warner

Member absent: Representative Janet Wentz

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

Megan Boldt, Associated Press, Bismarck

See attached appendix for additional persons present

It was moved by Senator Robinson, seconded by Senator O'Connell, and carried on a voice vote that the minutes of the April 25, 2003, meeting be approved as distributed.

Chairman Stenehjem welcomed the attendees and outlined the procedures to be followed. He said although testimony traditionally is not received at this meeting because the bills and resolutions had hearings during the legislative session, members of the Legislative Council could ask questions of individuals and persons attending were welcome to contribute remarks if they wished.

Chairman Stenehjem called on the director of the Legislative Council to review the documents that had been distributed. The director reviewed a memorandum entitled *2003 Legislation Directly Affecting the Legislative Council and the Legislative Assembly*. He said this memorandum covers various responsibilities and appointments of the Legislative Council that will be addressed at the June meeting. He said another memorandum entitled *Legislative Council Studies and Resolutions to Be Prioritized for the 2003-04 Interim (Arranged According to Subject Matter)* was not intended to be a tentative committee list but was intended to give members of the Legislative Council an idea of the subject matter of the various proposed studies.

The director said it would be important for the Legislative Council to take up a motion as to whether to reconvene the Legislative Assembly on Monday, May 19, as provided by the motion to adjourn passed by both houses on the final day of the special session. He said the Legislative Assembly is to convene on

Monday, May 19, 2003, unless the Legislative Council by motion votes not to reconvene.

The director said the Legislative Council traditionally selects an employee assistance program vendor for members of the Legislative Assembly. He said the Public Employees Retirement System office has indicated there will be four vendors for the next biennium, but information on those vendors has not been received. He suggested the Legislative Council authorize the chairman to select a vendor for legislators for the next biennium.

Chairman Stenehjem announced he would review the proposed studies in numerical order and would seek a consensus of the members on the Legislative Council as to whether or not they wish to give each study priority. He said after they had made that initial review, he would accept motions to accept or reject various studies.

Chairman Stenehjem announced that the studies called for in Section 1 of House Bill No. 1504, Section 13 of House Bill No. 1505, Section 1 of Senate Bill No. 2262, Section 5 of Senate Bill No. 2358, and Section 1 of Senate Bill No. 2418 are required studies and therefore no decisions are needed by the Legislative Council.

The Council reviewed Senate Concurrent Resolution No. 4001, which calls for a study of the delivery of services and the cost versus benefit of those services provided by the eight human service centers. Senator Robinson suggested that this study be given priority, and Chairman Stenehjem announced that he would put that study in the "yes" category.

The Council reviewed Senate Concurrent Resolution No. 4008 calling for a study of the need for guardianship services. Senator Lee said she supports this study. Senator Krauter said funding for guardianship services was increased, and therefore the Legislative Council should review this issue. Chairman Stenehjem announced he would put this resolution in the "yes" category.

The Council reviewed Senate Concurrent Resolution No. 4011 calling for a study of alternative methods for recording and discharging a lien on a motor vehicle. Representative Price said she had talked to the chairman of the House Transportation Committee and he said this subject should be studied.

Chairman Stenehjem said he would put this resolution in the "yes" category.

The Council reviewed Senate Concurrent Resolution No. 4014 calling for a study of methods for funding and providing law enforcement training in this state. Senator Lee said she believes this issue is primarily one of funding and is not necessarily an issue to be studied. Senator Cook said he agreed. Chairman Stenehjem announced he would put this resolution in the "no" category.

The Council reviewed Senate Concurrent Resolution No. 4016 calling for a study of provisions of the law relating to the powers and duties of the State Seed Commissioner and the State Seed Department. Senator Krauter said the State Seed Commissioner supports this study and is looking for guidance from the Legislative Assembly. Chairman Stenehjem announced he would put this resolution in the "yes" category.

The Council reviewed Senate Concurrent Resolution No. 4019 calling for a study of actions that can be taken at the state level to address the problems of inaccurate or obsolete information on consumer reports. Senator Krebsbach said she sees no need to study this issue. Chairman Stenehjem announced he would put this resolution in the "no" category.

The Council reviewed Senate Concurrent Resolution No. 4022 calling for a study of proposed legislation permitting the Game and Fish Department to coordinate with game and fish programs conducted by tribal governments. Senator Krauter said this issue is difficult to define, but he believes it is necessary to get everybody to the table for dialogue on these issues. Representative Boucher said sovereignty is the issue and the idea is to get the tribal codes to be similar to state laws on game and fish issues. Chairman Stenehjem said he would put this resolution in the "yes" category.

The Council reviewed Senate Concurrent Resolution No. 4029 calling for a study of issues relating to the Indian population of the state and the impact on caseloads of the Department of Human Services and the Department of Corrections and Rehabilitation. Representative Boucher said the issues are the same as in Senate Concurrent Resolution No. 4022 and public services need to be addressed. He said there is a need to get tribal governments working with the state government. Senator Lee said the state also has an immigrant population that has unique challenges. Senator Robinson said there is no intent to ignore other groups, but he noted the hardships in the areas of corrections and human services and he said there are growing concerns that need to bring everybody to the table. Representative Boucher said it is necessary to consider all citizens as equals and he believes it is necessary to address sovereignty issues and bring everyone to the table. Representative Svedjan questioned what could be accomplished with a study of this kind, as federal law controls many of

the issues relating to state and tribal relations. Chairman Stenehjem said he would put a question mark by this resolution.

The Council reviewed Senate Concurrent Resolution No. 4030 calling for a study of the requirements for the registration and licensing of snowmobile and all-terrain vehicle dealers. Senator Robinson said he does not know why it is necessary to study this issue. Representative Price said dealers take vehicles with liens and the liens are sometimes not paid off. She said automobile dealers have to comply with many laws that do not apply to other types of dealerships. Chairman Stenehjem said he would put a "yes" by this resolution.

The Council reviewed Senate Concurrent Resolution No. 4035 calling for a study of alternatives to foster and promote economic development in areas on or near Indian reservations. Senator Lee said this study is similar to the study called for in House Bill No. 1504. Representative Warner said he hopes this issue is studied. Representative Berg said he believes these issues are addressed in House Bill No. 1504. Chairman Stenehjem said he would put this resolution in the "no" category.

The Council reviewed House Concurrent Resolution No. 3002 calling for a study of tax-exempt property by county and the loss of tax revenues from flooded property. Representative Berg said this study resulted from discussions during the last interim and he believes much information is now available. He questioned what the outcome of this study would be. Chairman Stenehjem said he would put this resolution in the "no" category.

The Council reviewed House Concurrent Resolution No. 3003 calling for a study of state and local funding obligations for social services, including child support enforcement services. Senator Lee said this study would probably be covered in the study called for in Senate Bill No. 2012. Chairman Stenehjem said he would put this resolution in the "no" category.

The Council reviewed House Concurrent Resolution No. 3004 calling for a study of the state's method of providing legal representation for indigent persons. Senator Holmberg said there is a definite need for a solution to this problem. Representative Delmore said the problem continues and because the proposal recommended to the last session was not accepted means that the problem continues. Representative Svedjan questioned what would be accomplished by studying this issue one more time. Representative Boucher said a full study should review what other states are doing and may come up with a different solution. Chairman Stenehjem said he would put this resolution in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3008 calling for a study of the use of electronic home detention for nonviolent offenders. Senator Krauter said money for electronic monitoring has been reduced and he believes that alternatives

should be reviewed. Senator Cook said he believes this is more a management decision rather than a legislative issue. Representative Warner agreed and said he saw no need to study this issue. Representative Berg said he believes state law may already cover when judges can use these alternatives. Representative Delmore said she saw no need for a study of this issue. Chairman Stenehjem said he would put this resolution in the "no" category.

The Council reviewed House Concurrent Resolution No. 3011 calling for a study of open record statutes and the appropriateness of the penalties for unauthorized disclosure of certain records. Senator Lee noted that federal health legislation has opened many questions regarding unauthorized disclosure of certain records. She noted that the director of the Legislative Council had addressed these issues at the meeting of the Legislative Council last November. The director said there are many statutes making certain public records confidential and the penalty for unauthorized disclosure of those records is a felony. He questioned whether it was the intent to put inadvertent disclosure of seemingly harmless records in the category of major crime. Chairman Stenehjem said he would put this resolution in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3012 calling for a study of the laws concerning arbitration of construction issues with the Department of Transportation. Senator Holmberg said he saw no need for this study, and he said a law passed this last session should be given an opportunity to succeed before the issue is studied. Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3013 calling for a study of the laws concerning abandonment and vacation of sections of routes of the state highway system. In answer to a question from Representative Svedjan, Representative Price said counties and cities are interested in giving guidance to the Department of Transportation on this issue. Representative Carlson said he believed House Bill No. 1031 addressed these issues. Senator Robinson said all of the studies cannot be conducted. Chairman Stenehjem said he would put a question mark by this resolution.

The Council reviewed House Concurrent Resolution No. 3018 calling for a study of the impact of high-volume grain terminals on local highway systems. Senator Lee said this is more of a market issue than a study issue. Representative Price said the strain is on county and city roads. Representative Carlson said the Upper Great Plains Transportation Institute studies these issues and he sees no need for another study. Senator Krauter said he supports this study. Representative Berg said he believes this is an issue for the Department of Transportation and it is primarily a question of funding. Chairman Stenehjem said he

would put this study in the "no" category with a question mark.

The Council reviewed House Concurrent Resolution No. 3023 calling for a study of the feasibility and desirability of establishing a regional dental school in this state. Senator Lee said her dentist got his degree through the Western Interstate Commission on Higher Education and he believes it would be too expensive for this state to start a dental school. Representative Delmore said there may be more ways to partner with other institutions to make this work. She said we may not need a full program in North Dakota but we might be able to find new ways to cooperate with other states to have at least part of the program in this state. Representative Svedjan said dentists are aging and are not being replaced, particularly in rural areas. He said some dentists in rural areas cannot sell their practices and he questioned whether there could be exploration of options with institutions in other states. He said perhaps the University System should seek cooperation with other institutions. Representative Berg said he believes the solution is in increasing the number of slots for North Dakota students rather than starting a new dental school. Chairman Stenehjem said he would put this resolution in the "no" category with a question mark.

The Council reviewed House Concurrent Resolution No. 3024 calling for the study of the feasibility of establishing a school of veterinary medicine in this state. Chairman Stenehjem said the consensus appears to be that the same issues apply to this issue as applied to the issue of starting a dental school in this state and therefore he would put this resolution in the "no" category with a question mark.

The Council reviewed House Concurrent Resolution No. 3026 calling for a study of the use of E85 fuel by the state. Senator Robinson said he believes it is important to review potential for this fuel in this state. Senator O'Connell noted that the State Fleet already uses ethanol. Representative Berg questioned the outcome of a study of this issue. Representative Warner noted that very few service stations carry E85 fuel. He said if the state pushed the product it might get more visibility. Senator Stenehjem said the state is using E85 fuel in selected vehicles and will have information on this subject available at a later date. Senator Robinson said a study brings public attention to an issue. Senator Cook said the issue is whether there should be mandates on this issue and he sees no need to study the issue. Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3032 calling for a study of converting vacant public school buildings in rural areas into methamphetamine detoxification and treatment facilities. Representative Warner said he would give this a low priority because to have a treatment facility there needs to be a medical facility nearby. He said abandoned school buildings are not near medical facilities.

Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3034 calling for a study of the civil commitment laws and court decisions concerning civil commitment. Representative Boucher noted the Judiciary A Committee studied this issue last interim, but he said there are still many questions. He said a workable solution has not been found. He recommended the Council give priority to this study. Representative Svedjan asked what prompted this resolution. Representative Boucher said access to the courts and services are issues. Representative Svedjan said it appears the problem is having personnel available rather than the laws themselves. Senator Lee said two bills passed this last session and she thinks that perhaps it would be better to wait to see how these laws are working. Representative Berg said this was taken up during the last session and he said the chairman of the House Judiciary Committee said he thinks a study would help prepare for the next session. Chairman Stenehjem said he would put this resolution in the "yes" category with a question mark.

The Council reviewed House Concurrent Resolution No. 3037 calling for a study of the needs of individuals with mental illness, drug and alcohol addictions, and physical or developmental disabilities, including long-term plans for the State Hospital, the Developmental Center at Westwood Park, and state and local correctional facilities. Representative Berg said there is a need for this study. Representative Warner said this is one of his highest priorities. Chairman Stenehjem said he would put this resolution in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3050 calling for a study of the equity of the current system of awarding workers' compensation death benefits. Representative Berg said he believes this issue can be handled by asking the Workers Compensation Bureau to submit alternatives at the next session. Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3051 calling for a study of economic development efforts associated with and including a Red River Valley business and technology development zone and methods through which programs from federal rural economic programs can be enhanced. Senator Krauter said the idea is to learn how federal programs work. Chairman Stenehjem said he would put this study in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3052 calling for a study of school district data collection and reporting requirements. Senator Cook said there is much data required of school districts and this subject needs to be studied. Chairman Stenehjem said he would put this resolution in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3053 calling for a study of the state's emergency management system. Senator Robinson said the system is outdated and some homeland security funds may be available. Senator Krebsbach said this is a timely issue. She said this study had a good hearing in the Government and Veterans Affairs Committee in the Senate and there is a need to conduct this study. Representative Svedjan said federal law gives the executive branch much authority over homeland security issues. Representative Price said there is a need to make sure there are no gaps in the system. Chairman Stenehjem said he would put this study in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3054 calling for a study of the state's public health unit infrastructure. Representative Warner said it is necessary to conduct a broadbased study of these issues. Senators Holmberg and Lee both indicated support for conducting this study. Representative Price said public health units have varying capabilities throughout the state and there is a need to deal with these inequities. Chairman Stenehjem said he would put this resolution in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3055 calling for a study of the patterns of migration from rural to urban areas. Representative Boucher said he believes this is a significant issue and the Legislative Assembly must monitor population trends. Senator Robinson said he supports this study. Representative Svedjan said House Bill No. 1504 gets into business opportunities, and Senator Lee said she believes much data is already available on this subject. Senator Krebsbach said this issue has been studied by various groups and she believes the issues raised by this study will already be studied under the study authorized in House Bill No. 1504. Senator Krauter said there is a need to see if certain opportunities can be built upon. He said there is a need to understand why some communities in the state are growing and others are not. Representative Berg said the way to grow population is to create good new jobs. He said this resolution would focus on rural areas and he questioned whether it is better to look at the issue in this manner or as a state-wide problem. Senator Robinson said he believes this issue is such a high priority it should be studied every interim. Representative Kelsh said he believes there is a need to see what other states are doing in this area. Chairman Stenehjem said he would put this resolution in the "yes" category with a question mark, noting that it may belong with the study in House Bill No. 1504.

The Council reviewed House Concurrent Resolution No. 3056 calling for a study of whether the state is experiencing a medical insurance crisis. Representative Boucher said during the last interim issues were raised regarding the cost structure of insurance and he believes increasing competition in this field would

be a positive step. Senator Lee said there is concern about competition with the private sector. Senator Krauter said the cost of insurance is a problem for nursing homes and he believes solutions should be sought. Representative Berg said premiums are going up, but the private sector will respond. He said he believes it is necessary to protect the state's insurance reserve fund from exposure to large judgments. Representative Boucher said private providers are pulling out of the market. Representative Berg said more providers would leave the state if the state were to compete with them. Representative Price said Insurance Commissioner Poolman has a task force working on this issue. Chairman Stenehjem said he would put this resolution in the "no" category with a question mark.

The Council reviewed House Concurrent Resolution No. 3059 calling for a study of small claims court. Representative Delmore said the issue of court costs and the handling of similar issues should be studied. Representative Kelsh reported that Representative Kim Koppelman, who sponsored the resolution, said taking cases to district court is resulting in a clogging up of the system. Representative Berg said he believes if people going to small claims court had the right of appeal to district court, it would end up with more cases in district court. Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3060 calling for a study of the state's unemployment compensation system. Representative Berg said in 1999 a law was passed that implements changes over a period of several years. He said perhaps it is time to review those changes. Chairman Stenehjem said he would put this study in the "yes" category.

The Council reviewed House Concurrent Resolution No. 3061 calling for a study of taxing electric utility providers. Representative Berg said the Electric Industry Competition Committee was recreated during the 2003 regular session. Representative Carlson said that committee should study this issue. Chairman Stenehjem said he would put a "yes" on this resolution, with the idea the issue would be studied by the Electric Industry Competition Committee.

The Council reviewed House Concurrent Resolution No. 3062 calling for a study of vulnerable adult abuse and neglect with emphasis on whether certain individuals should be required to report suspected incidents of vulnerable adult abuse and neglect. Senator Lee said this is similar to the study called for in Senate Concurrent Resolution No. 4008. She said she believes this subject should be studied. Chairman Stenehjem said he would put this resolution in the "yes" category with a note that it should be studied with Senate Concurrent Resolution No. 4008.

The Council reviewed House Concurrent Resolution No. 3063 calling for a study of the feasibility and

desirability of establishing an exchange program for emerging leaders. Representative Kelsh said trying to develop an exchange program for leaders to foster relationships between North Dakota and other areas would be the focus of this study. In response to a question from Representative Warner, Representative Kelsh said finding sources of funding would be part of the study. Senator Stenehjem reported on various exchange programs for legislators and leaders of which he is aware. Representative Berg said rather than studying this issue, he believes legislators should encourage programs of this kind and nominate people to participate in these programs. Chairman Stenehjem said he would put this resolution in the "no" category.

The Council reviewed House Concurrent Resolution No. 3064 calling for a study of the use of remote-controlled locomotives and related safety and security. Representative Warner said safety concerns with remote-controlled locomotives is a matter of interest to many people. Senator Cook said there is a need for awareness of the jurisdiction of communities on safety issues of this kind. Senator Lee said she had consulted with the chairman of the Senate Transportation Committee and he did not think this study should be a high priority. She said federal legislation will address these issues. Representative Price noted that these remote-controlled locomotives are only used in switching yards. Representative Delmore said if some cities are banning remote-controlled locomotives, there must be a reason. Representative Berg questioned what the outcome of a study of this kind would be. Chairman Stenehjem announced he would put this resolution in the "no" category.

The Council reviewed House Concurrent Resolution No. 3072 calling for a study of methods of growing North Dakota's population. Representative Boucher said this study should go with the study called for in House Bill No. 1504. Chairman Stenehjem said he would put this resolution in the "yes" category with the understanding it would be studied in conjunction with the study called for in House Bill No. 1504.

The Council reviewed House Concurrent Resolution No. 3073 calling for a study of the effectiveness and appropriateness of tax preferences provided by state law. Representative Berg said he sees no need to study this issue. Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed House Concurrent Resolution No. 3075 calling for a study of federal and state policies that discourage or prevent final bond release applications from being filed. Chairman Stenehjem asked the Legislative Council staff to obtain more information on this subject.

The Council reviewed Section 4 of Senate Bill No. 2006 calling for a study of the effect on cities and counties of the repeal of the estate tax. Representative Berg said statistics on distributions to political

subdivisions are available and he questioned the need for studying this issue. Representative Price said the repeal of the estate tax takes effect in 2009, and she said there may be changes in federal law before that time. Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed Section 4 of Senate Bill No. 2008 calling for a study of the feasibility and desirability of transferring inspection and standards functions conducted by various state agencies to the Public Service Commission. Representative Warner said anhydrous ammonia is regulated by the Agriculture Department, the Insurance Department, and the Public Service Commission. He said a study is needed so that only one agency would conduct inspections of products of this kind. Representative Price said the agencies should work this out. In response to a question from Representative Svedjan, Representative Warner said weights and measures and similar issues related to agricultural products should be the focus of this study. Representative Berg said he can see merit in this study, but he said agencies should come forward with solutions. Chairman Stenehjem said he would put this study in the "no" category with a question mark.

The Council reviewed Section 5 of Senate Bill No. 2008 calling for a study of the feasibility and desirability of funding the Public Service Commission entirely from special fund revenue sources. Representative Warner said this proposal would relieve the general fund. Representative Berg said fees would have to be increased and he questioned if a study would be needed. Representative Warner said perhaps this would not have to be a 100 percent fee-funded program, but the study may result in some relief to the general fund. Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed Section 14 of Senate Bill No. 2012 calling for a study of administrative costs of human service programs. Several members of the Council expressed support for this study, and Chairman Stenehjem announced he would put this study in the "yes" category.

The Council reviewed Section 15 of Senate Bill No. 2012 calling for a study of programs providing services to children with special health care needs. Senator Lee questioned the need for this study. Chairman Stenehjem said the consensus of the members of the Legislative Council was that this issue not be studied, so he would put this study in the "no" category.

The Council reviewed Section 16 of Senate Bill No. 2012 calling for a study of the feasibility and desirability of establishing an advisory council for the medical assistance program of the Department of Human Services. Representative Svedjan said there are opportunities to make changes in the Medicaid program. He said providers should be involved.

Chairman Stenehjem announced he would put this study in the "yes" category.

The Council reviewed Section 17 of Senate Bill No. 2012 calling for a study of North Dakota's long-term care continuum of services. Representative Svedjan said the study should look at how other states are handling these issues. Senator Lee and Representative Price both spoke in favor of equality of nursing home rates. Senator Krauter said the question is what more can be learned. Representative Svedjan said the State Department of Health is looking at long-term care issues. Chairman Stenehjem said he would put this study in the "no" category with a question mark.

The Council reviewed Section 41 of Senate Bill No. 2015 calling for a study of public employee health insurance benefits. Representative Berg said he believes this issue should be studied. Chairman Stenehjem said he would put this study in the "yes" category.

The Council reviewed Section 2 of 2001 Senate Bill No. 2027 calling for a study of the efficiency and effectiveness of each motor vehicle branch office included in the motor vehicle branch office pilot project. Senator Krauter said the pilot project ends in 2005. Senator Stenehjem said he believes the Department of Transportation should report directly to the Legislative Council on this issue in November 2004. He said he would put this study in the "no" category at this time.

The Council reviewed Section 4 of Senate Bill No. 2249 relating to the protection of historical or archaeological artifacts or sites. Senator Krebsbach said all parties involved during the session want this study. Representative Berg said political subdivisions and the State Historical Society need to resolve these issues. He questioned whether the Legislative Council should be the focal point of this dispute. Representative Carlson said he agreed with Representative Berg on this issue. Chairman Stenehjem said he would put this study in the "no" category.

The Council reviewed Section 5 of Senate Bill No. 2252 calling for a study of consumer protection in regard to contractor competency and out-of-state contractors licensed in the state. Senator Cook said there is a need to see how to protect consumers from out-of-state contractors. Chairman Stenehjem said he would put this study in the "yes" category.

The Council reviewed Section 1 of Senate Bill No. 2287 calling for a study of providing for the licensure of accredited business accountants. Chairman Stenehjem said it appears no one on the Council favors this study. He announced he would put this study in the "no" category.

The Council reviewed Section 1 of Senate Bill No. 2310 calling for a study of issues related to wind energy development in this state. Representative Boucher said transmission issues and landowner issues should be addressed. Representative Carlson

questioned the effect on organized labor that is referred to in the bill. Representative Kelsh said land-owner issues are contentious. Representative Svedjan said he believes this has been studied and he questioned what would be accomplished with another study. Chairman Stenehjem said he would put this study in the "yes" category with a question mark.

The Council reviewed Section 1 of Senate Bill No. 2379 calling for a study of the doctrine of assumption of risk. Representative Berg said he supports this study. Chairman Stenehjem announced he would put this study in the "yes" category.

The Council reviewed Section 32 of Senate Bill No. 2421 calling for a study of the manner in which elementary and secondary education is funded in the state and the feasibility and desirability of instituting alternative funding methods. Chairman Stenehjem said the consensus of the Council appeared to favor this study, so he would put it in the "yes" category.

The Council reviewed Section 24 of House Bill No. 1003 calling for a study of higher education. Chairman Stenehjem announced the consensus of the Council was that this issue should be studied, so he would put it in the "yes" category.

The Council reviewed Section 14 of House Bill No. 1004 calling for a study of nursing home issues. Representative Price said collaboration is needed between departments. Representative Svedjan said the State Department of Health is working on this issue. Chairman Stenehjem said he would put this study in the "yes" category.

The Council reviewed Section 8 of House Bill No. 1007 calling for a study of the payment rate class for the Veterans Home. Chairman Stenehjem said it appears no one on the Council favors the study, so he will put it in the "no" category.

The Council reviewed Section 5 of House Bill No. 1017 calling for a study of responsibilities and funding for workforce development. Chairman Stenehjem announced the consensus appears to favor this study, so he would put it in the "yes" category.

The Council reviewed Section 3 of House Bill No. 1023 calling for a study of the statutory limitation on the amount of capital construction lease payments paid from the general fund. Chairman Stenehjem announced there appeared to be little interest in pursuing this study, so he would put it in the "no" category.

The Council reviewed Section 1 of House Bill No. 1155 calling for a study of the criteria by which a student's school district of residence is established. Senator Cook said this is a controversial subject and needs study. Chairman Stenehjem said he would put this study in the "yes" category.

The Council reviewed Section 1 of House Bill No. 1186 calling for a study of the leasing or renting of county court facilities by the state or other political

subdivisions. Chairman Stenehjem announced that the consensus appeared to favor this study, so he would put it in the "yes" category.

The Council reviewed Section 2 of House Bill No. 1212 calling for a study of the effects and operation of requiring agency consideration of the effect of proposed administrative rules on small businesses, organizations, and political subdivisions. Chairman Stenehjem announced that the consensus appeared to favor this study and he would put it in the "yes" category.

The Council reviewed Section 1 of House Bill No. 1386 calling for a study of bonds for public officers and other individuals. Chairman Stenehjem announced the consensus appeared to favor this study, so he would put it in the "yes" category.

The Council reviewed Section 11 of House Bill No. 1430 calling for a study of the value of medical assistance program use of benefit purchasing pools, preferred drug lists, and other pharmacy benefit management concepts. Chairman Stenehjem announced the consensus appeared to favor this study, so he would put it in the "yes" category.

The Council reviewed Section 4 of House Bill No. 1439 calling for a study of the laws of driving under the influence of intoxicating liquor. Representative Delmore said time was spent on this issue during the session, but she believes further information may be beneficial. Chairman Stenehjem announced he would put this study in the "no" category with a question mark.

The Council reviewed Section 1 of House Bill No. 1497 calling for a study of state government performance and accountability practices. Chairman Stenehjem announced the consensus appeared to favor this study, so he would put it in the "yes" category.

The Council reviewed Section 6 of House Bill No. 1506 calling for a study of the long-term needs of all state inmates, female inmates, mental health services, and other related issues. Chairman Stenehjem announced that the consensus appeared to favor this study, so he would put it in the "yes" category.

The Council took a luncheon break from 12:15 p.m. until 1:30 p.m.

Chairman Stenehjem announced that he would accept a motion to give priority to those resolutions and bills that appeared to be favored by consensus of the Council. **It was moved by Senator Krauter, seconded by Senator Holmberg, and carried on a roll call vote that the following bills and resolutions be given priority: House Bill Nos. 1504 and 1505; Senate Bill Nos. 2262, 2358, and 2418; Senate Concurrent Resolution Nos. 4001, 4008, 4011, 4016, 4022, and 4030; House Concurrent Resolution Nos. 3004, 3011, 3037, 3051, 3052, 3053, 3054, 3060, and 3075; Section 14 of Senate Bill No. 2012; Section 16 of Senate Bill No. 2012; Senate Bill Nos. 2015, 2252, and 2421; and House**

Bill Nos. 1003, 1004, 1017, 1155, 1186, 1212, 1386, 1430, 1497, and 1506. Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjem announced he would accept a motion to not give priority to those bills and resolutions that had not been favorably viewed for priority by members of the Council. **It was moved by Senator Holmberg, seconded by Representative Berg, and carried on a roll call vote to not give priority to the following bills and resolutions: Senate Concurrent Resolution Nos. 4014, 4019, and 4035; House Concurrent Resolution Nos. 3002, 3003, 3008, 3012, 3023, 3024, 3026, 3032, 3050, 3059, 3063, 3064, and 3073; Senate Bill No. 2006; Section 5 of Senate Bill No. 2008; Section 15 of Senate Bill No. 2012; and Senate Bill No. 2287; and House Bill Nos. 1007 and 1023.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjem announced that Senate Bill No. 2249 would be taken up separately.

Chairman Stenehjem turned to a discussion of Senate Concurrent Resolution No. 4029 calling for a study of issues relating to the Indian population of the state. Representative Boucher said he believes this should be studied with the study called for in House Bill No. 1504. **It was moved by Representative Boucher and seconded by Senator Robinson to give priority to Senate Concurrent Resolution No. 4029.** In the discussion that followed, Representative Price noted there are problems with jurisdiction on reservations for state programs and these problems result from federal law. Representative Boucher said the problems go both ways and need to be addressed. Chairman Stenehjem called for a roll call vote on the motion, and **the motion was defeated.** Voting in favor of the motion were Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Warner. Voting against the motion were Senators Stenehjem, Cook, Holmberg, Krebsbach, and Lee and Representatives Berg, Carlson, Price, and Svedjan.

Chairman Stenehjem returned to a discussion of House Concurrent Resolution No. 3013 calling for a study of the laws relating to abandonment and vacation of sections of routes of the state highway system. **It was moved by Representative Berg, seconded by Representative Carlson, and carried on a roll call vote that House Concurrent Resolution No. 3013 not be given priority.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson

and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Svedjan, and Warner. Voting against the motion was Representative Price.

Chairman Stenehjem announced that the Council would return to a discussion of House Concurrent Resolution No. 3018 calling for a study of impact of high-volume grain terminals on local highway systems. **It was moved by Representative Berg, seconded by Representative Svedjan, and carried on a roll call vote that House Concurrent Resolution No. 3018 not be given priority.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krebsbach, and Lee and Representatives Berg, Carlson, Delmore, Kelsh, and Svedjan. Voting against the motion were Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Price, and Warner.

Chairman Stenehjem announced that the Council would return to a discussion of House Concurrent Resolution No. 3034, which calls for a study of civil commitment laws. **It was moved by Representative Delmore and seconded by Representative Boucher that the Council give priority to House Concurrent Resolution No. 3034.** In the discussion that followed, in response to a question from Representative Carlson, Senator Lee summarized legislation enacted in 2003 relating to civil commitment laws. Voting in favor of the motion were Senators Cook, Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Warner. Voting against the motion were Senators Stenehjem, Holmberg, Krebsbach, and Lee and Representatives Berg, Carlson, Price, and Svedjan. Chairman Stenehjem announced that **the motion was defeated.**

Chairman Stenehjem announced that the Council would return to a discussion of House Concurrent Resolution No. 3055, which calls for a study of migration from rural to urban areas. **It was moved by Senator Robinson and seconded by Senator Krauter that the Council give priority to House Concurrent Resolution No. 3055.** In the discussion that followed, Representative Carlson said he believes the 2003 legislative session addressed the issues called for in this resolution. Representative Berg said House Bill No. 1504 calls for a study of the business climate in the entire state and does not separate urban and rural areas. Voting in favor of the motion were Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Delmore, Kelsh, and Warner. Voting against the motion were Senators Stenehjem, Cook, Holmberg, Krebsbach, and Lee and Representatives Berg, Carlson, Price, and Svedjan. **The motion was defeated.**

Chairman Stenehjem announced that the Council would return to a discussion of House Concurrent Resolution No. 3056, which calls for a study of whether this state is experiencing a medical insurance crisis. **It was moved by Representative Berg and seconded by Senator Lee that the Council not**

give priority to House Concurrent Resolution No. 3056. In the discussion that followed, Representative Carlson said insurance companies cannot compete with the state. Representative Price said the Insurance Department has a task force to study this issue. Senator Krauter said the long-term care industry operates with state money and he believes this study may show how some costs could be saved. Voting in favor of the motion were Senators Stenehjerm, Cook, Holmberg, Krebsbach, and Lee and Representatives Berg, Carlson, Price, and Svedjan. Voting against the motion were Senators Krauter, O'Connell, and Robinson and Representatives Boucher, Kelsh, and Warner. **The motion carried.**

Chairman Stenehjerm announced that the Council would return to a discussion of House Concurrent Resolution No. 3061, which calls for a study of the feasibility and desirability of enacting legislation to tax electric utility providers with a fair and uniform tax system. **It was moved by Representative Berg and seconded by Senator Robinson that the Council give priority to House Concurrent Resolution No. 3061.** In the discussion that followed, Representative Berg said he believes this study could be conducted by the Electric Industry Competition Committee, a statutory committee that was resurrected in amendments to Senate Bill No. 2015. Senator Robinson said most of the work on this study has been done and he does not believe it will take an enormous amount of time. Representative Carlson said he agreed this study could be conducted by the Electric Industry Competition Committee. Voting in favor of the motion were Senators Stenehjerm, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes. **The motion carried.**

Chairman Stenehjerm announced that the Council would return to its discussion of House Concurrent Resolution No. 3062, which calls for a study of vulnerable adult abuse and neglect. Senator Lee said this study is similar to the study called for in Senate Concurrent Resolution No. 4008. **It was moved by Senator Lee, seconded by Representative Delmore, and carried on a roll call vote that the Council give priority to House Concurrent Resolution No. 3062.** Voting in favor of the motion were Senators Stenehjerm, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjerm announced that the Council would return to a discussion of House Concurrent Resolution No. 3072, which calls for a study of possible methods of growing North Dakota's population. Representative Berg said he believes the answer to this issue is the creation of quality jobs and he supports the study. **It was moved by**

Representative Boucher, seconded by Representative Warner, and carried on a roll call vote that the Council give priority to House Concurrent Resolution No. 3072. Voting in favor of the motion were Senators Stenehjerm, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. Voting against the motion was Senator Cook.

Chairman Stenehjerm announced that the Council would return to its consideration of the study called for in Section 4 of Senate Bill No. 2008, which calls for a study of the feasibility and desirability of transferring inspection and standards functions conducted by various state agencies to the Public Service Commission. **It was moved by Representative Warner, seconded by Senator O'Connell, and carried on a roll call vote that the Council give priority to the study called for in Section 4 of Senate Bill No. 2008, with the understanding that the study will be limited to agriculturally related functions.** Voting in favor of the motion were Senators Stenehjerm, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjerm announced that the Council would return to a consideration of the study called for in Section 17 of Senate Bill No. 2012, which calls for a study of North Dakota's long-term care continuum of services. **It was moved by Representative Berg, seconded by Representative Carlson, and carried on a roll call vote that the Council not give priority to the study called for in Section 17 of Senate Bill No. 2012.** Voting in favor of the motion were Senators Stenehjerm, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjerm announced that the Council would return to its consideration of the study called for in Section 2 of Senate Bill No. 2027, which calls for a study of the efficiency and effectiveness of each motor vehicle branch office included in the motor vehicle branch office pilot project. Senator Stenehjerm said one way to handle this study would be to ask the Department of Transportation to study this issue and prepare a report for the biennial reporting meeting of the Legislative Council in November 2004. **It was moved by Senator O'Connell, seconded by Senator Cook, and carried on a roll call vote that the Department of Transportation be requested to study the issues in Section 2 of Senate Bill No. 2027 and report to the Legislative Council in November 2004.** Voting in favor of the motion were Senators Stenehjerm, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh,

Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjem announced that the Council would return to its consideration of Section 1 of Senate Bill No. 2310, which calls for a study of issues related to wind energy development in this state. **It was moved by Representative Kelsh and seconded by Senator O'Connell that the Council give priority to the study called for in Section 1 of Senate Bill No. 2310.** In the discussion that followed, Representative Carlson said he believes the study should be limited. Representative Berg said the problems with siting requirements vary in different parts of the state and he suggested that the portion of the bill calling for study of wind turbine siting requirements and the language regarding the impact of wind energy development on organized labor be removed from the study directive. Representative Kelsh said he believes there is a need to study siting requirements for wind turbines. Senator Stenehjem said local governments have zoning requirements already in place and he does not believe the state should supersede local zoning requirements. Representative Berg agreed. Representative Carlson said the problem with the development of wind energy is the lack of appropriate transmission facilities. Representative Kelsh, with the consent of the second, withdrew his motion. **It was moved by Representative Berg, seconded by Senator Krebsbach, and carried on a roll call vote that the Council give priority to the study called for in Section 1 of Senate Bill No. 2310, but that the language relating to wind turbine siting requirements and the impact of wind energy development on organized labor be removed, that the words "for farmers and ranchers" and "on landowners" be removed, that the study include consideration of transmission of electrical energy produced, and that the study include the impact on the electric energy industry of wind energy development.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjem announced that the Council would return to its consideration of Section 1 of Senate Bill No. 2379 calling for a study of assumption of risk. **It was moved by Representative Berg, seconded by Senator Cook, and carried on a roll call vote that the Council give priority to the study called for in Senate Bill No. 2379.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Lee, and O'Connell and Representatives Berg, Carlson, Price, Svedjan, and Warner. Voting against the motion were Senators Krauter and Robinson and Representatives Boucher, Delmore, and Kelsh.

Chairman Stenehjem announced that the Council would return to its consideration of Section 4 of House

Bill No. 1439, which calls for a study of the administrative and criminal laws of driving under the influence of intoxicating liquor. **It was moved by Representative Berg, seconded by Senator Cook, and carried on a roll call vote that the Council not give priority to the study called for in Section 4 of House Bill No. 1439.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Lee, and Robinson and Representatives Berg, Carlson, Svedjan, and Warner. Voting against the motion were Senator O'Connell and Representatives Boucher, Delmore, Kelsh, and Price.

Chairman Stenehjem said that the Legislative Council had decided on April 25 that the meeting to put together a committee structure would be held on Monday, June 16, 2003. He said because there is a need for some committees, particularly the Information Technology Committee, to get an earlier start, he believes the Council should move up the meeting to an earlier time in June. **It was moved by Representative Berg, seconded by Representative Svedjan, and carried on a voice vote that the date and time of the next meeting be changed from June 16 to 1:00 p.m. on Tuesday, June 3, 2003.**

Chairman Stenehjem announced that the Council would consider a motion relating to the reconvening of the Legislative Assembly on Monday, May 19, 2003, or on a later date as determined by the Legislative Council for reconsideration of gubernatorial vetoes as called for in the motions that concluded the special session on Wednesday, May 7, 2003. Representative Berg announced that the Governor had signed all of the bills passed at the special session. **It was moved by Representative Berg, seconded by Representative Svedjan, and carried on a roll call vote that the Senate and House not reconvene on Monday, May 19, 2003, as provided in the motion to adjourn passed by the Senate and House on Wednesday, May 7, 2003.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Lee, O'Connell, and Robinson and Representatives Berg, Boucher, Carlson, Delmore, Kelsh, Price, Svedjan, and Warner. There were no negative votes.

Chairman Stenehjem announced that the Council would return to its consideration of Section 4 of Senate Bill No. 2249, which calls for a study of issues relating to the protection of historical or archeological artifacts or sites. Chairman Stenehjem called on Senator Krebsbach, who reported that she had been told that it was recommended that the changes in the law relating to protection of historical sites be given a chance to work and it may be too soon to study this issue again. **It was moved by Senator Krebsbach, seconded by Representative Berg, and carried on a roll call vote that the Council not give priority to the study called for in Section 4 of Senate Bill No. 2249.** Voting in favor of the motion were Senators Stenehjem, Cook, Holmberg, Krauter, Krebsbach, Lee, O'Connell, and Robinson and Representatives

Berg, Boucher, Carlson, Delmore, Price, Svedjan, and Warner. There were no negative votes.

In response to a question from Representative Carlson regarding whether membership on standing committees would be recognized in appointments to interim committees, Chairman Stenehjem said he hoped that legislators would be assigned to committees studying issues in which those legislators had interest.

It was moved by Senator Robinson, seconded by Representative Warner, 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 Senator O'Connell, seconded by Senator Krauter, and carried on a voice vote that the chairman be authorized to select an appropriate employee assistance program for legislators for the next biennium.

Chairman Stenehjem announced that, pursuant to a motion passed earlier at this meeting, the next meeting of the Legislative Council would be at 1:00 p.m. on Tuesday, June 3, 2003. **It was moved by Senator Cook, seconded by Representative Delmore, and carried on a voice vote that the meeting be adjourned.** Chairman Stenehjem adjourned the meeting at 2:30 p.m.

John D. Olsrud
Director

ATTACH:1