

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL

Thursday and Friday, November 13-14, 2008
House Chamber, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Al Carlson (Chairman), Rick Berg, Merle Boucher, Jeff Delzer, Lee Kaldor, Shirley Meyer, Phillip Mueller, Chet Pollert, Bob Skarphol; Senators Dick Dever, Tim Flakoll, Joel C. Heitkamp, Ray Holmberg, David O'Connell, Larry J. Robinson, Bob Stenehjem, Rich Wardner

OPENING REMARKS

Chairman Carlson welcomed legislators and others to the meeting. Newly elected members of the Legislative Assembly were introduced, and members of the Legislative Assembly who will not be returning to serve as members of the 61st Legislative Assembly were thanked for their past services to the citizens of North Dakota.

Chairman Carlson thanked the committee chairmen for their service during the 2007-08 interim. He said committee chairmen will present reports of their committees and Legislative Council staff members will assist the chairmen in answering questions. He said members of the Legislative Council are the only legislators allowed to make motions or vote on the reports; however, any legislator or legislator-elect in attendance may ask questions concerning the reports.

Chairman Carlson said North Dakota Century Code (NDCC) Section 54-06-25 requires that the report of the State Employees Compensation Commission be made at this meeting. He announced that copies of the report were available at the back of the chamber and this distribution of the report to legislators is being accepted in lieu of a formal report at this meeting.

Chairman Carlson called on Mr. Jim W. Smith, Director, Legislative Council, who welcomed all returning and newly elected legislators. The director said 26 reports will be presented, including 24 interim Legislative Council committees, the Advisory Commission on Intergovernmental Relations, and the Commission on Alternatives to Incarceration. He said the committees are recommending a total of 88 measures (80 bills and 8 resolutions), compared to 35 measures recommended to the 60th Legislative Assembly.

INTERIM COMMITTEE REPORTS

Budget Section

Senator Ray Holmberg, Chairman, Budget Section, presented the Budget Section report. He said the Budget Section membership consists of 45 members--the Senate and House Appropriations Committees, the majority and minority leaders and their assistants, and the Speaker of the House. He pointed out the duties and responsibilities of the Budget Section in the report and said the Budget Section addressed 36 items and will address additional duties at its December 2008 meeting.

Senator Holmberg said the Budget Section received reports from the Office of Management and Budget on the status of the general fund and the permanent oil trust fund, fiscal irregularities, tobacco settlement proceeds, 2009-11 biennium budget form changes, the status of the risk management workers' compensation fund, and 2005-07 biennium general fund deficiency appropriations and unspent general fund appropriations; North Dakota University System on sources of local funds received for construction projects; the Department of Human Services on transfers made between line items and between subdivisions in excess of \$50,000, the status of the Medicaid management information system project, enhancement of county eligibility systems, and the status of Medicaid reimbursements; the Department of Commerce on the annual audits of renaissance fund organizations and centers of excellence; Workforce Safety and Insurance on the status of the State Auditor's office 2006 performance audit recommendations; the Department of Corrections and Rehabilitation on an inmate medical system and a space, operational, and staffing plan for the State Penitentiary and the James River Correctional Center; the State Fair Association on the status of planning for a new grandstand; the Attorney General's office on the status of the new Crime Laboratory building; Job Service North Dakota on the status of the job insurance trust fund; the Veterans Home on the status of the Veterans Home construction project; the State Board of Agricultural Research and Education on the status of the board; the Public Service Commission on the status of a facility use agreement between the Public Service Commission and the Facility Management Division, Office of Management and Budget; the Department of Agriculture on the status of the state meat inspection program and the

endangered species program; and the Information Technology Department on the agency's annual reports and a loan request for the purchase of computer hardware and software to host the Department of Human Services' Medicaid management information system applications.

Senator Holmberg said the Budget Section received correspondence from the Correctional Facility Review Committee regarding a correctional facility concept recommendation to the Emergency Commission for informational purposes only. He said the Budget Section received reports from the Legislative Council staff on the summaries of 2007-09 centers of excellence applications and Office of Management and Budget on the oil revenue forecast process and the factors resulting in oil price discounts.

Senator Holmberg said the Budget Section approved 13 requests for centers of excellence, 12 requests relating to University System capital projects, 2 requests from the Game and Fish Department for land acquisitions, and a change in the scope of a capital project at the State Hospital. He said the Budget Section approved 33 requests for increased spending authority, transfers of spending authority, or increased full-time equivalent positions that were approved by the Emergency Commission. He said eight requests were approved by the Emergency Commission to obtain funds from the state contingencies appropriation.

It was moved by Senator Holmberg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Budget Section. Representatives Carlson, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Heitkamp, Holmberg, Robinson, Stenehjem, and Wardner voted "aye." No negative votes were cast.

Long-Term Care Committee

Senator Dick Dever, Chairman, Long-Term Care Committee, presented the committee report. He said the committee studied the long-term care system in North Dakota, including capacity, geographical boundaries for determining capacity, the need for home and community-based services, a methodology to identify areas of the state needing additional nursing home beds, access, workforce, reimbursement, and payment incentives.

Senator Dever said the committee studied the availability and future need for dementia-related services, as well as funding for programs for individuals with dementias and the feasibility and desirability of establishing a transition to independence program for young adults with mental illness.

Senator Dever said the committee received reports from the State Department of Health regarding the status of the department's demonstration project involving life safety surveys for basic care facilities and long-term care facilities during and at the conclusion of construction or renovation projects that

cost more than \$3 million and whether the program should be made permanent and regarding the impact of the implementation of the survey process for basic care facilities to identify and correct deficiencies.

It was moved by Senator Dever, seconded by Representative Boucher, and carried on a roll call vote to accept the report of the Long-Term Care Committee. Representatives Carlson, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

Information Technology Committee

Senator Larry J. Robinson, Chairman, Information Technology Committee, presented the committee report. He said the committee received reports from the Chief Information Officer and representatives of the Information Technology Department regarding the prioritization of major computer software projects for the 2009-11 biennium; the department's business plan; the department's annual report; statewide information technology policies, standards, and guidelines; and major information technology projects. He said the committee also received reports from representatives of the North Dakota University System regarding higher education information technology planning, services, and major projects.

It was moved by Senator Robinson, seconded by Representative Skarphol, and carried on a roll call vote to accept the report of the Information Technology Committee. Representatives Carlson, Berg, Boucher, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

Public Safety Committee

Representative Todd Porter, Chairman, Public Safety Committee, presented the committee report. He said the committee studied the state's emergency medical services (EMS) system and received reports from the State Department of Health regarding the outcome of the Health Council's study of minimum requirements of reasonable EMS coverage, the findings and recommendations of a contractor's evaluation of the state's trauma system, and the findings and recommendations of a contractor's assessment of the state's EMS system. He said the committee studied the Department of Emergency Services, including a review of the allocation of federal homeland security funding, the operation of State Radio, and potential changes to the 911 fee structure to continue salary equity funding provided in the 2007-09 biennium. He said the committee also studied the delivery and funding of veterans' services by the state and counties.

It was moved by Senator Stenehjem, seconded by Representative Skarphol, and carried on a roll call vote to accept the report of the Public Safety Committee. Representatives Carlson, Berg,

Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, Robinson, Stenehjem, and Wardner voted "aye." No negative votes were cast.

Taxation Committee

Senator Bob Stenehjem, Chairman, Taxation Committee, presented the committee report. He described the committee studies of property tax reform and relief, oil and gas tax allocation, income tax, political subdivision efficiency, and use of soil surveys in agricultural property assessments. He said the committee recommends a bill to eliminate statutory caps on oil and gas gross production tax allocations to counties and to eliminate the cap on allocations to the oil and gas impact grant fund. He said the committee recommends a bill to extend the deadline for county implementation of soil survey use in agricultural assessments from 2010 to 2012.

It was moved by Senator Stenehjem, seconded by Senator Dever, and carried on a roll call vote to accept the report of the Taxation Committee. Representatives Carlson, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, Robinson, Stenehjem, and Wardner voted "aye." No negative votes were cast.

Administrative Rules Committee

Representative Duane L. DeKrey, Vice Chairman, Administrative Rules Committee, presented the committee report. He said the committee reviewed all state administrative rulemaking actions from January 2007 through October 2008, covering 1,663 pages of rules. He said the committee voided one set of agency rules adopted by the Racing Commission. He said the committee recommends a bill to incorporate suggestions from occupational and professional licensing boards or commissions to make statutory language specific as to the conduct that constitutes a violation under certain occupational and professional licensing laws. He said the committee recommends a bill to advance the filing deadline for agency rules by 15 days to allow more time for preparation and delivery to committee members of proposed rules to provide committee members adequate time to study rules before the meeting at which the rules will be considered.

It was moved by Senator Robinson, seconded by Senator Heitkamp, and carried on a roll call vote to accept the report of the Administrative Rules Committee. Representatives Carlson, Berg, Boucher, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

Legislative Audit and Fiscal Review Committee

Representative Bob Skarphol, Chairman, Legislative Audit and Fiscal Review Committee, presented the committee report. He said the committee studied and reviewed the state's financial transactions to ensure collection of state revenues and expenditures of state money were in compliance with law, legislative intent, and sound financial practices. He said the committee reviewed 163 audit reports during the 2007-08 interim, including 7 performance audit and evaluation reports, 117 financial or information technology application audit reports, and 39 audit reports that were filed with and accepted by the committee but were not formally presented.

It was moved by Representative Skarphol, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Legislative Audit and Fiscal Review Committee. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

Correctional Facility Review Committee

Representative Chet Pollert, Chairman, Correctional Facility Review Committee, presented the committee report. He said the committee studied and reviewed the immediate and future needs of the State Penitentiary through a correctional facility review study conducted by Criminal Justice Institute (CJI), Inc. He said CJI, Inc., recommended remodel and reuse of the existing State Penitentiary using an expedited schedule to implement the process either as a single complete project or a three-phase project and replacement of the Missouri River Correctional Center with a minimum security unit adjacent to the State Penitentiary.

Representative Pollert said the committee considered a hybrid plan similar to Phase 1 of the CJI, Inc., plan which is estimated to cost \$67 million, \$13.9 million less than the CJI, Inc., Phase 1 plan.

Representative Pollert said the Correctional Facility Review Committee recommends a bill providing an appropriation of \$25 million from the general fund and \$42 million from the State Penitentiary land fund for completing Phase 1 of the renovation and expansion project at the State Penitentiary as provided for in the hybrid plan.

Representative Pollert said the committee forwarded the three correctional facility concepts contained in the CJI, Inc., March 19, 2008, correctional facility final report and recommendation for the remodel/expansion of the existing State Penitentiary facility concept to the Emergency Commission in April 2008. He said the Emergency Commission accepted the committee's report at its June 9, 2008, meeting. He said the committee's recommendation was distributed to the Budget

Section for informational purposes at its June 18, 2008, meeting.

It was moved by Representative Pollert, seconded by Senator Wardner, and carried on a roll call vote to accept the report of the Correctional Facility Review Committee. Representatives Carlson, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Higher Education Committee

Representative Ken Svedjan, Chairman, Higher Education Committee, presented the committee report. He said the committee studied the means by which the North Dakota University System can further contribute to developing and attracting the human capital to meet North Dakota's economic and workforce needs, including ways to increase postsecondary access, improve the quality of education, contain costs, and other means, including productivity, to maximize the usage of the University System in meeting the human capital needs of the state. He said the committee also studied the provision of services to children and adults who are deaf or hearing-impaired, including the role of the School for the Deaf in the provision of education and rehabilitative services, the short-term and long-term viability of existing state facilities, and alternative approaches that might enhance the scope and breadth of service availability.

Representative Svedjan said the committee received a report from the North Dakota University System regarding the status of the implementation of CCbenefits, Inc., services and recommendations relating to the use of CCbenefits, Inc., services.

It was moved by Senator Robinson, seconded by Representative Skarphol, and carried on a roll call vote to accept the report of the Higher Education Committee. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Human Services Committee

Representative Jeff Delzer, Chairman, Human Services Committee, presented the committee report. He said the committee studied the temporary assistance for needy families program, including potential programs and services that could be funded with program funds; the success and effects of the laws enacted by the 55th Legislative Assembly in House Bill No. 1041 (1997) and Senate Bill No. 2052 (1997), known as the "swap proposal;" and infant development programs, including a review of service coordination and the funding structure.

Representative Delzer said the committee also received reports from the Department of Human Services regarding enrollment statistics and costs

associated with the children's health insurance program state plan, the status of medical assistance recipients' access to dental services, the status of the alternatives-to-abortion program, and the status of the transition assistance for the childcare program; from the State Department of Health's Immunization Task Force regarding the status of the immunization program transition; from the University of North Dakota College of Nursing regarding the Nursing Education Consortium; and from the Drug Use Review Board regarding the board's review of the utilization, cost, and effectiveness of certain drugs and the board's findings and recommendations.

It was moved by Representative Delzer, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Human Services Committee. Representatives Carlson, Berg, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Budget and Finance Committee

Representative Al Carlson, Chairman, budget and Finance Committee, presented the committee report. He said the committee monitored the status if 2007-09 biennium revenues and expenditures, received information on deferred maintenance relating to state facilities and other infrastructure, reviewed budget forms and guidelines, received input from industry and academic representatives on the state's economy, received the July 2008 revised general fund revenue forecast, reviewed preliminary information on 2009-11 biennium estimated revenues and appropriation requirements and requests, and identified key budget issues for the 2009 legislative session.

It was moved by Representative Carlson, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Budget and Finance Committee. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Employee Benefits Programs Committee

Representative Bette Grande, Chairman, Employee Benefits Programs Committee, presented the committee report. She said the committee has jurisdiction over legislative measures affecting retirement, health insurance, and retiree health insurance programs of public employees. She said the committee solicited and reviewed various proposals affecting these programs and obtained actuarial and fiscal information on each of these proposals and reported this information to each proponent. She said the committee received the actuarial reports for the Public Employees Retirement System and Teachers' Fund for Retirement. She said the committee received periodic reports from Human Resource Management Services on the

implementation, progress, and bonuses provided by state agency programs to provide bonuses to recruit or retain employees in hard-to-fill positions. She said the committee also studied employee benefits provided by state agencies which are not specifically authorized by law or if authorized by law are not consistent among agencies and is recommending three bills as a result of this study.

It was moved by Senator Robinson, seconded by Senator Dever, and carried on a roll call vote to accept the report of the Employee Benefits Programs Committee. Representatives Carlson, Berg, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Natural Resources Committee

Senator Tim Flakoll, Chairman, Natural Resources Committee, presented the committee report. He said the committee studied severance of hunting access from the surface estate, the feasibility and desirability of establishing legislation for the enforcement and assessment of civil penalties for violation of the one-call excavation notice system, and how the state might pursue additional uses of Lake Sakakawea and Missouri River waters. He said the committee also received updates concerning the Garrison Diversion Unit project and Red River Valley Water Supply project; received a report from the Game and Fish Department regarding the department's findings and recommendations resulting from its study of hunter safety education requirements and hunter safety for all ages of hunters; received a report from the State Water Commission regarding the commission's findings and recommendations resulting from its assessment of the impact of tile drainage on the beneficial use of water by prior water appropriators; reviewed State Water Commission operations and procedures; received a report from the State Water Commission regarding the implementation of 2007 S.L., ch. 559, which authorizes the commission to provide \$40 million of the nonfederal share of funds necessary to construct the Red River Valley Water Supply project by issuing bonds not to exceed \$40 million plus the cost of issuance of the bonds, capitalized interests, and reasonably required reserves; and received a report on the development of digital elevation models for the Red River Basin.

It was moved by Senator Flakoll, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Natural Resources Committee. Representatives Carlson, Berg, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Tribal and State Relations Committee

Representative Merle Boucher, Chairman, Tribal and State Relations Committee, presented the

committee report. He said the committee held joint meetings with the Native American Tribal Citizens' Task Force to study tribal-state issues, including government-to-government relations, economic development initiatives, taxation, transportation, tribal-state natural resources issues, child support enforcement, case management, social services, health issues, elementary and secondary education, higher education, and the Indian Affairs Commission. He said the committee also received a report from the Governor describing the negotiations and terms of the agreement between the Governor and the Three Affiliated Tribes - Mandan, Hidatsa, and Arikara Nation relating to taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Reservation.

It was moved by Representative Boucher, seconded by Representative Mueller, and carried on a roll call vote to accept the report of the Tribal and State Relations Committee. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Industry, Business, and Labor Committee

Representative Rick Berg, Chairman, Industry, Business, and Labor Committee, presented the report of the committee. He said the committee studied Workforce Safety and Insurance premiums, benefits, and accountability and transparency methods and the results of the consultant reviews of claims processing, human resources, and management areas. He said the committee studied the regulation and licensing of pharmacists in this state, including an examination of the State Board of Pharmacy, the board's size, the manner of board membership appointment, and whether the board is representative of commercial and noncommercial pharmacists; the state's demographics and the impact changing demographics in rural areas will have on the ability of small, locally owned pharmacies to remain economically viable and of rural residents to access low-cost pharmaceuticals and pharmacy and pharmacists' services; pharmacy ownership restrictions, the relevance of those restrictions in terms of marketplace competition, and the impact of those restrictions on the price and availability of pharmaceuticals and on pharmacy and pharmacists' services; and statutory interplay between the board and the North Dakota Pharmaceutical Association and whether the regulatory function of the board conflicts with the advocacy function of the association. In addition, he said, the committee studied wireless providers in the state and how wireless service impacts the business climate in the state. He said the committee studied the licensure, training, and classroom education requirements for electricians in this state; reciprocity agreements with other states and the effect of those agreements on standards in this state; and the effect of the licensure,

training, classroom education requirements, and reciprocity agreements on the availability of qualified electricians in this state. He said the committee also studied the organization, powers, duties, and effectiveness of the Department of Commerce, including review of the legislative history leading to the creation of the department; review of the legislative and executive branch expectations in the creation of the department and whether those expectations are being met; evaluation of the effectiveness of the North Dakota Economic Development Foundation in providing a nonpartisan, private sector perspective to the department's approach to the department's duties; evaluation of the organizational structure of the department, including whether the department should include a division of science and technology; and evaluation of the strategic planning process of the department and its effectiveness.

Representative Berg said the committee participated in the Department of Commerce Renaissance Zone Conference to review the list of projects in the state which have been undertaken under the renaissance zone program, evaluate whether the projects have positively impacted the renaissance zone communities, consider options for smaller communities to become involved in the renaissance zone program or a similar program, and make recommendations regarding how the program could be improved to further meet the needs of the state and local communities.

Representative Berg said the committee received a report from the Insurance Commissioner on findings regarding insurers' use of modified community rating for health insurance or health benefits coverage policies. He said the committee received a report from Workforce Safety and Insurance on recommendations based on the safety audit of Roughrider Industries work programs and the performance audit of the modified workers' compensation coverage program. In addition, he said, the committee received a report from the Commissioner of Financial Institutions on the outcome of the commissioner's study of how the state's building and loan association and mutual savings bank laws relate to conversions of state credit unions to building and loan associations or mutual savings banks.

It was moved by Representative Berg, seconded by Senator Dever, and carried on a roll call vote to accept the report of the Industry, Business, and Labor Committee. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Commission on Alternatives to Incarceration

Senator Joel C. Heitkamp, Chairman, Commission on Alternatives to Incarceration, presented the commission report. He said the commission studied sentencing alternatives, mandatory sentences,

treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues.

In response to a question from Representative Carlson, Senator Heitkamp said he was disappointed in the level of participation by the members of the commission who were appointed to represent the judiciary. He said he finally requested the Chief Justice to try to ensure that a district judge be present at the last meeting of the commission, and the district judge who was appointed to the commission attended that meeting. He said the input of the Supreme Court justice appointed to the commission was very valuable when she attended. However, he said, if the commission is going to operate successfully in the future, more dedication from the judiciary will be necessary.

Senator Robinson said the input from the representatives of the judicial branch during the prior interim was valuable.

Representative Carlson said the commission is a valuable tool with which to explore methods to keep people from being incarcerated. He said the participation of the judicial branch is necessary to the process.

It was moved by Senator Heitkamp, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Commission on Alternatives to Incarceration. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Agriculture Committee

Representative Phillip Mueller, Chairman, Agriculture Committee, presented the committee report. He said the Agriculture Committee studied North Dakota Century Code provisions that relate to agriculture, for the purpose of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order. Because of the massive nature of this study, he said, the committee focused on rewriting the laws that pertain to the agricultural commodity councils and commissions and to the noxious weed laws. He said the committee also received a report from the State Board of Agricultural Research and Education regarding its annual evaluation of research activities and expenditures.

It was moved by Representative Mueller, seconded by Representative Berg, and carried on a roll call vote to accept the report of the Agriculture Committee. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

Education Committee

Representative Lisa Meier, member, Education Committee, presented the committee report. She said the committee studied ways in which schools and school districts can train teachers, counselors, and other school staff to better identify high-risk students and to provide programs designed to reduce the incidences of high-risk behaviors that can lead to suicide attempts; ways in which various public and private entities can cooperate with families to promote healthy lifestyles for children and create awareness about the interplay of healthy lifestyle choices and educational success; the short-term and long-term evolution of regional education associations; and the appropriateness and adequacy of high school curricula with respect to preparing students for higher education and for the workplace. She said the committee also received periodic reports from the North Dakota Commission on Education Improvement and reports regarding the financial condition of schools, school district employee compensation, student scores on recent statewide tests of reading and mathematics, requests for and waivers of accreditation rules, requests for and waivers of statutory requirements governing instructional time for high school courses, the failure of any school board to meet the statutory threshold for increasing teacher compensation, the status of the statewide longitudinal data system plan, the planning and development of an electronic course delivery approval process, the operations of regional education associations, and the status of payments to individuals who hold national board certification.

It was moved by Senator Holmberg, seconded by Senator Dever, and carried on a roll call vote to accept the report of the Education Committee. Representatives Carlson, Berg, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, Robinson, and Wardner voted "aye." No negative votes were cast.

Energy Development and Transmission Committee

Senator Rich Wardner, Chairman, Energy Development and Transmission Committee, presented the committee report. He said the committee studied the impact of a comprehensive energy policy for the state and the development of each facet of the energy industry, studied siting and decommissioning of commercial wind farms, and received reports from the North Dakota Transmission Authority, the North Dakota Pipeline Authority, the Emergency Services Communications Coordinating Committee, and the Department of Commerce's Energy Policy Commission. He said the overall theme of the committee was to aid the development of each form of energy to its fullest.

It was moved by Senator Wardner, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Energy Development and Transmission Committee.

Representatives Carlson, Delzer, Kaldor, Meyer, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Holmberg, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Advisory Commission on Intergovernmental Relations

Representative Lee Kaldor, Chairman, Advisory Commission on Intergovernmental Relations, presented the commission report. He said the commission studied extraterritorial zoning authority, zoning of feedlot operations, increasing from four-tenths to five-tenths of one cent the amount of sales tax that is deposited into the state aid distribution fund, funding for rural township and county roads and bridges, exempting charitable property from taxation, replacing references to mills in the North Dakota Century Code with dollar amounts, and providing state's attorney services in counties without a resident state's attorney. He said the commission received a report from the North Dakota Association of Counties on how each county has used the county's document preservation fund during the preceding two fiscal years.

In response to a question from Representative Mueller, Representative Kaldor said the commission had considerable discussion on the extension of the right to vote to individuals living within the extraterritorial zoning area. He said the recommendation of joint jurisdiction provides that the board making the decision is accountable to the people the decisions affect.

It was moved by Representative Kaldor, seconded by Senator Heitkamp, and carried on a roll call vote to accept the report of the Advisory Commission on Intergovernmental Relations. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, O'Connell, Robinson, Stenehjem, and Wardner voted "aye." No negative votes were cast.

Transportation Committee

Senator David O'Connell, Chairman, Transportation Committee, presented the committee report. He said the committee studied highway funding and transportation infrastructure needs, federal and state motor carrier safety regulations and exemptions for interstate and intrastate transportation, the handling of hazardous cargo by railroads, and the ability of railroads to respond to potential accidents and emergencies. He said the committee received a report from the Department of Transportation regarding any additional full-time equivalent (FTE) positions hired for highway construction and maintenance in lieu of entering contracts for those purposes. He said the department did not hire any FTE positions.

It was moved by Senator O'Connell, seconded by Representative Berg, and carried on a roll call vote to accept the report of the Transportation

Committee. Representatives Carlson, Berg, Boucher, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, O'Connell, Robinson, and Wardner voted "aye." No negative votes were cast.

Judicial Process Committee

Representative Shirley Meyer, Chairman, Judicial Process Committee, presented the committee report. She said the committee studied issues of fairness, equity, and the best interests of children as they relate to issues of child custody and visitation; the current state exemptions for bankruptcy and the desirability of updating these exemptions; the search for and identification of missing persons; the statutes and institutional resources relating to the domestic violence protection order process; and the feasibility and desirability of establishing a paternity registry. She said the committee received a report from the Attorney General on the current status and trends of unlawful drug use and abuse and drug control and enforcement efforts in the state. She said the committee also received a report from the director of the Commission on Legal Counsel for Indigents.

It was moved by Representative Meyer, seconded by Representative Berg, and carried on a roll call vote to accept the report of the Judicial Process Committee. Representatives Carlson, Berg, Boucher, Kaldor, Meyer, Mueller, Pollert, and Skarphol, and Senators Dever, Flakoll, Heitkamp, Robinson, Stenehjem, and Wardner voted "aye." No negative votes were cast.

Judiciary Committee

Representative Lawrence R. Klemin, Chairman, Judiciary Committee, presented the committee report. He said the committee studied the formation of a North Dakota gaming commission to regulate and control all forms of gaming in North Dakota; conducted a study of abstracters, title opinions, and title insurance; studied the feasibility and desirability of establishing a statewide automated victim information and notification system to provide information and notify registered victims regarding the status of an offender; studied crime victim compensation funding; studied the practices and laws relating to the sale of real estate by auctioneers; and reviewed the uniform Acts recommended by the North Dakota Commission on Uniform State Laws and undertook statutory revision responsibilities. He said the committee received a report from the director of the Racing Commission and a report from the director of the North Dakota Lottery.

It was moved by Senator Robinson, seconded by Senator Wardner, and carried on a roll call vote to accept the report of the Judiciary Committee. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol, and Senators Dever, Flakoll, Heitkamp, Robinson, and Wardner voted "aye." No negative votes were cast.

Legislative Management Committee

Representative Al Carlson, Chairman, Legislative Management Committee, presented the committee report. He said the committee was responsible for making arrangements for the 2009 legislative session. He said the committee administered the appropriation for renovation of legislative committee rooms, under which the Medora and Great Plains Rooms were converted into one room--the Medora Room. Carpet in most of the committee rooms was replaced, new committee room tables have been placed in the Medora and Fort Lincoln Rooms, and a new table will be installed in the Fort Union Room before the 2009 session convenes. He said additional tables will be ordered for installation after the legislative session. He said electronic message boards will be installed outside the Fort Union and Peace Garden Rooms which will update observers as to the current agenda items under consideration. He said the committee is recommending legislative rules amendments to continue the Monday bill introduction deadlines as a result of the Legislative Assembly convening on a Tuesday rather than a Wednesday in 2009. He reviewed the current status of the legislative applications replacement system.

It was moved by Representative Carlson, seconded by Senator Heitkamp, and carried on a roll call vote to accept the report of the Legislative Management Committee. Representatives Carlson, Berg, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Robinson, and Wardner voted "aye." Representative Delzer voted "nay."

Workers' Compensation Review Committee

Representative George J. Keiser, Chairman, Workers' Compensation Review Committee, presented the committee report. He said the committee reviewed the workers' compensation cases of 15 injured employees to determine whether changes should be made to the state's workers' compensation laws. He outlined 5 of the 15 cases and reported on the considerations and recommendations of the committee to address the problems experienced under the current law.

It was moved by Representative Berg, seconded by Senator Robinson, and carried on a roll call vote to accept the report of the Workers' Compensation Review Committee. Representatives Carlson, Berg, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Robinson, Stenehjem, and Wardner voted "aye." No negative votes were cast.

Workforce Committee

Senator Tony Grindberg, Chairman, Workforce Committee, presented the committee report. He said the committee studied the state's system for addressing workforce needs through a workforce system initiative that included receipt of agency reports regarding implementation of workforce

legislation enacted during the 2007 legislative session, active participation in focus groups across the state, and active participation in a workforce congress; studied job development authorities across the state to determine the economic impact created by the authorities, to examine funding mechanisms used by the authorities when expending resources for economic development purposes, and to determine whether the authorities serve a viable purpose; studied possible methods of growing North Dakota's population and increasing the available workforce in the state; and studied the means by which the North Dakota University System fulfills North Dakota's workforce needs. He said the committee received a report from the Statewide Longitudinal Data System Committee on the status of the plan for a longitudinal data system; annual reports from the Division of Community Services, Department of Commerce, on renaissance zone progress; a biennial report from the Commissioner of Commerce on the process used and factors considered by the commissioner in identifying target industries on which economic development efforts are focused and the special focus target industry; the compilation and summary of state grantor reports filed annually by the Department of Commerce and the reports of state agencies that award business incentives for the previous calendar

year; a report from the Department of Commerce on the department's Renaissance Zone Conference activities and the department's recommendations resulting from the conference; and a report from the Department of Commerce on the implementation and successes and failures of the Beginning Again North Dakota pilot program and whether the program should be continued or continued and expanded. He also reported on the recommendations of the committee.

It was moved by Senator Flakoll, seconded by Representative Berg, and carried on a roll call vote to accept the report of the Workforce Committee. Representatives Carlson, Boucher, Delzer, Kaldor, Meyer, Mueller, Pollert, and Skarphol and Senators Dever, Flakoll, Heitkamp, Robinson, Stenehjem, and Wardner voted "aye." No negative votes were cast.

It was moved by Representative Skarphol, seconded by Senator Robinson, and carried on a voice vote that the meeting be adjourned. No further business appearing, Chairman Carlson adjourned the meeting at 12:24 p.m.

Jim W. Smith
Director