

SENATE BILL NO. 2279

Introduced by

Senators Bekkedahl, Davison, Grabinger

Representatives Dockter, Hanson, Kempenich

1 A BILL for an Act to create and enact sections 54-03-02.2 and 54-03-02.3 of the North Dakota
2 Century Code, relating to introduction of bills in legislative sessions in even-numbered years
3 and legislative committees; and to amend and reenact subdivision a of subsection 3 of
4 section 4.1-01-18, subsection 6 of section 4.1-39-02, section 6-09-51, subdivision c of
5 subsection 4 of section 12.1-10-02, subdivision a of subsection 1 of section 12.1-10-03,
6 section 15.1-02-15, subsection 2 of section 15.1-13-36, subdivision f of subsection 3 of
7 section 15.1-36-06, subdivision f of subsection 4 of section 15.1-36-08, section 24-02-37.2,
8 subsection 10 of section 40-63-03, sections 54-03-02, 54-03-06, and 54-03.1-03, subdivision d
9 of subsection 2 of section 54-03.2-02, subsection 2 of section 54-03.2-14, section 54-05.1-02,
10 subsection 3 of section 54-06-25, sections 54-35-02.1 and 54-35-02.3, subsection 3 of
11 section 54-35-02.4, sections 54-35-02.5, 54-35-02.7, 54-35-02.8, 54-35-15.1, 54-35-15.2,
12 54-35-16, 54-35-18, and 54-35-22, subsection 4 of section 54-35-23, and sections 54-35-26,
13 54-35.2-04, and 54-44.1-07 of the North Dakota Century Code, relating to annually reconvened
14 sessions of the legislative assembly and the replacement of interim committees with standing
15 committees.

16 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

17 **SECTION 1. AMENDMENT.** Subdivision a of subsection 3 of section 4.1-01-18 of the North
18 Dakota Century Code is amended and reenacted as follows:

19 a. Any member of the legislative assembly serving on the committee is entitled to
20 compensation at the rate provided for attendance at ~~interim~~ committee meetings
21 other than during legislative sessions and reimbursement for expenses, as
22 provided by law for state officers, if the member is attending meetings of the
23 committee or performing duties directed by the committee.

1 **SECTION 2. AMENDMENT.** Subsection 6 of section 4.1-39-02 of the North Dakota Century
2 Code is amended and reenacted as follows:

3 6. The board may use not more than fifteen percent of the funds under its supervision for
4 administrative purposes, including the cost of contracting for administrative services
5 and reimbursement of board member expenses. The members of the board who are
6 members of the legislative assembly are entitled to compensation and expense
7 reimbursement from the legislative council for attendance at board meetings at the
8 rate provided for members of the legislative assembly for attendance at ~~interim-~~
9 committee meetings other than during legislative sessions.

10 **SECTION 3. AMENDMENT.** Section 6-09-51 of the North Dakota Century Code is amended
11 and reenacted as follows:

12 **6-09-51. Dynamic fiscal impact analysis.**

13 The Bank of North Dakota shall conduct dynamic revenue analysis of economic
14 development tax incentives selected for review by the ~~interim~~ committee tasked with reviewing
15 economic development tax incentives under section 54-35-26 and bills selected by the dynamic
16 fiscal impact bill selection committee under section 54-03-34.

17 **SECTION 4. AMENDMENT.** Subdivision c of subsection 4 of section 12.1-10-02 of the
18 North Dakota Century Code is amended and reenacted as follows:

- 19 c. "Official proceeding" means:
- 20 (1) An official proceeding before a judge or court of this state, a magistrate, or a
21 grand jury.
- 22 (2) An official proceeding before the legislative assembly or one of its ~~session-~~
23 ~~or interim~~ committees.
- 24 (3) An official proceeding in which, pursuant to lawful authority, a court orders
25 attendance or the production of information.
- 26 (4) An official proceeding before an authorized agency.
- 27 (5) An official proceeding which otherwise is made expressly subject to this
28 section.

29 **SECTION 5. AMENDMENT.** Subdivision a of subsection 1 of section 12.1-10-03 of the
30 North Dakota Century Code is amended and reenacted as follows:

- 1 a. To answer a question pertinent to the subject under inquiry in an official
2 proceeding before the legislative assembly, or one of its ~~session or interim~~
3 committees, and continues in such a refusal after the presiding officer directs him
4 to answer, and advises him that his continuing refusal may make him subject to
5 criminal prosecution; or

6 **SECTION 6. AMENDMENT.** Section 15.1-02-15 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-02-15. No Child Left Behind Act - Information required.**

9 Whenever the superintendent of public instruction determines ~~that~~ any bill or amendment
10 under consideration by ~~an interim~~ committee of the legislative management ~~or by a standing~~
11 ~~committee~~ or a conference committee of the legislative assembly contains a provision required
12 by the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301,
13 et seq.] or by federal regulations promulgated to implement that Act, the superintendent shall
14 provide the members of the appropriate committee with the specific language of the No Child
15 Left Behind Act which sets forth the requirement, together with the statutory citation for that
16 language, or the specific language of the federal regulations which sets forth the requirement,
17 together with the citation for the regulations.

18 **SECTION 7. AMENDMENT.** Subsection 2 of section 15.1-13-36 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 2. The education standards and practices board shall compile the responses and provide
21 reports regarding the results to ~~an interim~~ committee designated by the legislative
22 management at the times and in the manner requested by the committee.

23 **SECTION 8. AMENDMENT.** Subdivision f of subsection 3 of section 15.1-36-06 of the North
24 Dakota Century Code is amended and reenacted as follows:

- 25 f. Any other criteria established in rule by the superintendent of public instruction,
26 after consultation with ~~an interim~~ committee appointed by the legislative
27 management.

28 **SECTION 9. AMENDMENT.** Subdivision f of subsection 4 of section 15.1-36-08 of the North
29 Dakota Century Code is amended and reenacted as follows:

- 1 f. Any other criteria established by the superintendent of public instruction, after
2 consultation with an ~~interim~~ committee appointed by the legislative
3 management.

4 **SECTION 10. AMENDMENT.** Section 24-02-37.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **24-02-37.2. Special road committee.**

7 The special road committee consists of one member of the senate and one member of the
8 house of representatives appointed by the chairman of the legislative management, the director
9 of the game and fish department, the director of the parks and recreation department, and the
10 director of the department of transportation. The director of the department of transportation is
11 chairman of the committee. The committee must meet at the call of the director to review
12 requests for funding from the special road fund. The committee shall decide which project
13 requests will receive funding. The director shall provide staff services to the committee. The
14 members of the committee who are members of the legislative assembly are entitled to
15 compensation from the department of transportation, from moneys appropriated from the
16 special road fund, for attendance at committee meetings at the rate provided for members of
17 the legislative assembly for attendance at ~~interim~~ committee meetings other than during a
18 legislative session and are entitled to reimbursement for expenses incurred in attending the
19 meetings in the amounts provided by law for other state officers.

20 **SECTION 11. AMENDMENT.** Subsection 10 of section 40-63-03 of the North Dakota
21 Century Code is amended and reenacted as follows:

- 22 10. If within a renaissance zone there is property that is included in a tax increment
23 financing district, the city in which the property is located shall provide the department
24 of commerce an annual report regarding any such property at the time requested by
25 the department of commerce. The report required under this subsection must identify
26 the property, provide the expected duration of inclusion of the property in the tax
27 increment financing district and the renaissance zone, and identify any property and
28 income tax benefits of the property and the expected duration of those benefits. The
29 department of commerce shall deliver an annual report compiling the information
30 required under this subsection to the legislative management ~~interim committee on-~~

1 taxation issues or upon request of any other interim committee of the legislative-
2 management.

3 **SECTION 12. AMENDMENT.** Section 54-03-02 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **54-03-02. When legislative assembly meets.**

6 1. The legislative assembly shall meet at the seat of government in the month of
7 December following the election of ~~the~~its members thereof for organizational and
8 orientation purposes and shall thereafter recess after the organizational session until
9 the time provided in subdivision a of subsection 2.

10 2. The legislative assembly shall reconvene annually for a number of days to be
11 determined by the legislative assembly, but the total number of days may not exceed
12 the number of natural days available under the constitution.

13 a. In odd-numbered years, the legislative assembly shall reconvene at twelve noon
14 on the first Tuesday after the third day in January of the year following the
15 organizational session as provided in subsection 1 or at twelve noon on a date
16 selected by the legislative management but not earlier than January second nor
17 later than January eleventh of the year following the organizational session and,
18 following. Before recessing, the legislative assembly shall adopt a biennial state
19 budget and enact biennial appropriations. At the close of business of the regular
20 session, the legislative assembly shall adjourn recess subject to subdivision b and
21 subsection 3.

22 b. In even-numbered years, the legislative assembly shall reconvene at a time and
23 date selected by the legislative management. The legislative assembly may
24 review and, if necessary, amend the budget and appropriations. Following the
25 close of business, the legislative assembly shall recess subject to subsection 3.

26 3. Notwithstanding a motion to adjourn sine die, the legislative assembly shall reconvene
27 as determined by the legislative management. The number of natural days used may
28 not exceed the number of natural days available under the constitution which have not
29 been previously used by that legislative assembly in regular session and which are not
30 required to satisfy the annual requirements under subsection 2.

1 **SECTION 13.** Section 54-03-02.2 of the North Dakota Century Code is created and enacted
2 as follows:

3 **54-03-02.2. Introduction of bills in even-numbered years.**

4 During reconvened sessions in even-numbered years, a bill review committee must be
5 appointed in the same manner as standing committees. Each legislator shall submit to the bill
6 review committee a copy of each bill the legislator wishes to introduce during the session. The
7 bill review committee shall identify which bills must be prioritized based on the importance and
8 time sensitivity of the bill subjects. Bills prioritized by the committee must be introduced during
9 the reconvened session. Bills not prioritized by the committee may not be introduced during the
10 reconvened session. If a sponsor of a bill not introduced during the reconvened session is a
11 member of the legislative assembly during the next odd-numbered year legislative session, the
12 sponsor may introduce the bill in the that odd-numbered year legislative session.

13 **SECTION 14.** Section 54-03-02.3 of the North Dakota Century Code is created and enacted
14 as follows:

15 **54-03-02.3. Committees.**

16 During each organizational session, members of standing committees must be appointed
17 for the biennium. Unless otherwise provided by law, the members of a standing committee
18 appointed during the organizational session shall meet jointly when the legislative assembly is
19 not in session and shall meet separately by chamber when the legislative assembly is in
20 session.

21 **SECTION 15. AMENDMENT.** Section 54-03-06 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **54-03-06. Chairman of committee may administer oath.**

24 Any member of a committee ~~or interim committee~~ of the legislative assembly, while acting
25 as chairman of such committee, may administer oaths to such persons as shall be examined
26 before the committee of which the chairman is a member.

27 **SECTION 16. AMENDMENT.** Section 54-03.1-03 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **54-03.1-03. Agenda.**

30 The agenda of the organizational session must include the following:

31 1. Orientation classes upon legislative rules and procedure for new legislators;

- 1 2. Presentation of reports by legislative ~~interim~~ committees or commissions;
- 2 3. Party caucuses to review proposed legislative rules and committee assignments, as
- 3 appropriate;
- 4 4. Appointment of procedural committees and standing committees to continue through
- 5 the biennium;
- 6 5. Presentation of the budget and revenue proposals recommended by the governor as
- 7 provided in section 54-44.1-07; and
- 8 6. All other similar matters, in order that the legislative assembly be fully organized and
- 9 ready to begin its business by the first day of the regular session.

10 **SECTION 17. AMENDMENT.** Subdivision d of subsection 2 of section 54-03.2-02 of the
11 North Dakota Century Code is amended and reenacted as follows:

- 12 d. The legislative management and any ~~interim~~ committee of the legislative
- 13 management if specifically designated by the legislative management as an
- 14 investigating committee with subpoena powers.

15 **SECTION 18. AMENDMENT.** Subsection 2 of section 54-03.2-14 of the North Dakota
16 Century Code is amended and reenacted as follows:

- 17 2. An investigating committee may, by majority vote of all of its members, apply to the
- 18 legislative assembly or the house thereof by which it was established for a contempt
- 19 citation. The application must be considered as though the alleged contempt had been
- 20 committed in or against such house or the legislative assembly itself. If the
- 21 ~~investigating committee is an interim committee, its application is made at a time when~~
- 22 the legislative assembly is not in session, it may in the alternative be made to the
- 23 district court of Burleigh County.

24 **SECTION 19. AMENDMENT.** Section 54-05.1-02 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **54-05.1-02. Applicability - Meaning of lobbyist.**

- 27 1. This chapter applies to any person who, in any manner whatsoever, directly or
- 28 indirectly, performs any of the following activities:
 - 29 a. Attempts to secure the passage, amendment, or defeat of any legislation by the
 - 30 legislative assembly or the approval or veto of any legislation by the governor of
 - 31 the state.

- 1 b. Attempts to influence decisions made by the legislative management or by an
2 ~~interim~~ committee of the legislative management.
- 3 2. This chapter does not apply to any person who is:
- 4 a. A legislator.
- 5 b. A private citizen appearing on the citizen's own behalf.
- 6 c. An employee, officer, board member, volunteer, or agent of the state or its
7 political subdivisions whether elected or appointed and whether or not
8 compensated, who is acting in that person's official capacity.
- 9 d. Invited by the chairman of the legislative management, ~~an interim committee of~~
10 ~~the legislative management~~, or a standing committee of the legislative assembly
11 to appear before the legislative management, ~~interim committee~~, or standing
12 committee for the purpose of providing information.
- 13 e. An individual who appears before a legislative committee for the sole purpose of
14 presenting testimony on behalf of a trade or professional organization or a
15 business or industry if the individual is introduced to the committee by the
16 registered lobbyist for the trade or professional organization or the business or
17 industry.
- 18 3. For the purposes of this chapter, persons required to register under this chapter
19 because of the performance of the activities described in subsection 1 must be known
20 as "lobbyists".

21 **SECTION 20. AMENDMENT.** Subsection 3 of section 54-06-25 of the North Dakota
22 Century Code is amended and reenacted as follows:

- 23 3. The commission shall meet at the call of the chairman as often as may be necessary,
24 but at least once during each year of the biennium. The commission shall consider
25 proper levels of compensation and fringe benefits for state employees and make its
26 recommendations on these issues to the governor in time for consideration in
27 preparation of the executive budget to be submitted to the next legislative assembly.
28 The commission shall also submit its recommendations to the legislative management
29 at the biennial meeting at which the legislative management receives the reports of its
30 ~~interim~~ committees.

1 **SECTION 21. AMENDMENT.** Section 54-35-02.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-35-02.1. Legislative audit and fiscal review committee.**

4 For the purposes of studying and reviewing the financial transactions of this state; to assure
5 the collection and expenditure of its revenues and moneys in compliance with law and
6 legislative intent and sound financial practices; and to provide the legislative assembly with
7 formal, objective information on revenue collections and expenditures for a basis of legislative
8 action to improve the fiscal structure and transactions of this state, the legislative management
9 shall appoint the legislative audit and fiscal review committee. The members of the committee
10 must be appointed in the same manner as other members of ~~interim~~ committees of the
11 legislative management.

12 **SECTION 22. AMENDMENT.** Section 54-35-02.3 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-35-02.3. Employee benefits programs committee - Appointment - Selection of**
15 **chairman.**

16 The legislative management, during each biennium, shall appoint an employee benefits
17 programs committee in the same manner as the legislative management appoints other ~~interim~~
18 committees. The legislative management shall appoint seven members of the house of
19 representatives and six members of the senate to the committee. The legislative management
20 shall designate the chairman of the committee. The committee shall operate according to the
21 statutes and procedure governing the operation of other legislative management ~~interim~~
22 committees.

23 **SECTION 23. AMENDMENT.** Subsection 3 of section 54-35-02.4 of the North Dakota
24 Century Code is amended and reenacted as follows:

25 3. The committee may solicit draft measures and proposals from interested persons
26 during the ~~interim between legislative sessions~~, and may also study measures and
27 proposals referred to it by the legislative assembly or the legislative management.

28 **SECTION 24. AMENDMENT.** Section 54-35-02.5 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **54-35-02.5. Administrative rules committee.**

2 The legislative management, during each biennium, shall appoint an administrative rules
3 committee in the same manner as the legislative management appoints other ~~interim~~
4 committees. The legislative management shall designate the chairman of the committee. The
5 committee shall operate according to the statutes and procedure governing the operation of
6 other legislative management ~~interim~~ committees. The membership of the administrative rules
7 committee must include at least one of the members who served during the most recently
8 completed regular session of the legislative assembly from each of the standing committees of
9 either the house of representatives or the senate.

10 **SECTION 25. AMENDMENT.** Section 54-35-02.7 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **54-35-02.7. Water topics overview committee - Duties.**

13 The legislative management, during each ~~interim~~biennium, shall appoint a water topics
14 overview committee in the same manner as the legislative management appoints other ~~interim~~
15 committees. The committee must meet quarterly and is responsible for legislative overview of
16 water topics and related matters, the Garrison diversion project, and for any necessary
17 discussions with adjacent states on water topics. The committee shall work collaboratively with
18 the state water commission and may meet with the state water commission. The committee
19 shall report on the committee's project prioritization process, provide updates on allocated
20 program expenditures, and report on the fund balances of projects, grants, and contracts. The
21 legislative management shall designate the chairman of the committee. The committee shall
22 operate according to the statutes and procedure governing the operation of other legislative
23 management ~~interim~~ committees.

24 **SECTION 26. AMENDMENT.** Section 54-35-02.8 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **54-35-02.8. Legislative ethics committee.**

27 The legislative management, during each biennium, shall appoint an ethics committee to
28 consider or prepare a legislative code of ethics. The committee must include members of the
29 majority and minority parties of each house. The committee may recommend legislation relating
30 to legislative ethics. The committee shall operate according to the laws and procedures
31 governing the operation of other legislative management ~~interim~~ committees.

1 **SECTION 27. AMENDMENT.** Section 54-35-15.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-35-15.1. Information technology committee - Appointment.**

4 The legislative management, during each biennium, shall appoint an information technology
5 committee in the same manner as the legislative management appoints other ~~interim-~~
6 committees. The legislative management shall appoint six members of the house of
7 representatives and five members of the senate to the committee. The chief information officer
8 of the state is an ex officio, nonvoting member of the committee. The legislative management
9 shall designate the chairman of the committee. The committee shall operate according to the
10 statutes and procedure governing the operation of other legislative management ~~interim-~~
11 committees.

12 **SECTION 28. AMENDMENT.** Section 54-35-15.2 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-35-15.2. Information technology committee - Powers and duties.**

15 The information technology committee has continuing existence and may meet and conduct
16 its business ~~during the legislative session and in the interim between sessions~~anytime during
17 the biennium. The committee shall:

- 18 1. Meet at least once each calendar quarter.
- 19 2. Receive a report from the chief information officer of the state at each meeting.
- 20 3. Review the business plan of the information technology department.
- 21 4. Review macro-level issues relating to information technology.
- 22 5. Review the activities of the information technology department.
- 23 6. Review statewide information technology standards.
- 24 7. Review the statewide information technology plan.
- 25 8. Review information technology efficiency and security.
- 26 9. Review established or proposed information technology programs and information
27 technology acquisition by the executive and judicial branches.
- 28 10. Except as provided in subsection 11, receive and review information, including a
29 project startup report summarizing the project description, project objectives, business
30 need or problem, cost-benefit analysis, and project risks and a project closeout report
31 summarizing the project objectives achieved, project budget and schedule variances,

1 and lessons learned, from the information technology department and the affected
2 agency regarding any major information technology project of an executive branch
3 agency. For the purposes of this subsection, a major project is a project with a total
4 cost of five hundred thousand dollars or more.

- 5 11. a. Receive and review information, including a project startup report summarizing
6 the project description, project objectives, business need or problem, cost-benefit
7 analysis, and project risks and a project closeout report summarizing the project
8 objectives achieved, project budget and schedule variances, and lessons
9 learned, from the state board of higher education regarding any major project of
10 the state board of higher education or any institution under the control of the state
11 board of higher education if the project:

12 (1) Significantly impacts the statewide wide area network, including the campus
13 access routers;

14 (2) Impacts the statewide library system; or

15 (3) Is an administrative project. An administrative project is a project that
16 directly collects, aggregates, modifies, stores, or reports institutional
17 student, financial, or human resources records or data and is provided
18 primarily for administrative purposes.

- 19 b. For the purposes of this subsection, a major project is a project with a total cost
20 of five hundred thousand dollars or more.

- 21 12. Receive and review information from the information technology department and the
22 affected agency regarding any information technology project of an executive branch
23 agency with a total cost of between one hundred thousand and five hundred thousand
24 dollars as determined necessary by the information technology department.

- 25 13. Receive a report from the chief information officer regarding the recommendations of
26 the state information technology advisory committee relating to the prioritization of
27 proposed major information technology projects and other information technology
28 issues.

- 29 14. Receive and review information, including a project startup report summarizing the
30 project description, project objectives, business need or problem, cost-benefit
31 analysis, and project risks and a project closeout report summarizing the project

1 objectives achieved, project budget and schedule variances, and lessons learned,
2 from the affected legislative or judicial branch agency regarding any information
3 technology project of the legislative or judicial branch with a total cost of five hundred
4 thousand dollars or more.

5 15. Receive information from the state board of higher education regarding higher
6 education information technology planning, services, and major projects.

7 **SECTION 29. AMENDMENT.** Section 54-35-16 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **54-35-16. Authority to determine if legislative assembly meets.**

10 The legislative management may issue a call for the legislative assembly to convene after it
11 has recessed or adjourned under ~~subsection 2 of~~ section 54-03-02. The length of a legislative
12 session called under this section may not exceed the number of natural days available under
13 the constitution which have not been used and are not required by section 54-03-02 to be used
14 in the future by that legislative assembly. The legislative management may exercise this
15 authority, and the legislative assembly shall meet, regardless of whether the motion to close the
16 regular session of the legislative assembly was to recess to a time certain, adjourn to a time
17 certain, or adjourn sine die.

18 **SECTION 30. AMENDMENT.** Section 54-35-18 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **54-35-18. Energy development and transmission committee.**

21 The legislative management, during each biennium, shall appoint an energy development
22 and transmission committee in the same manner as the legislative management appoints other
23 ~~interim~~ committees. The legislative management shall appoint six members of the house of
24 representatives, four of whom must be from the majority political party and two of whom must
25 be from the minority political party, and six members of the senate, four of whom must be from
26 the majority political party and two of whom must be from the minority political party. The
27 chairman of the legislative management shall designate the chairman of the committee. The
28 committee shall operate according to the statutes and procedure governing the operation of
29 other legislative management ~~interim~~ committees. The committee shall study the impact of a
30 comprehensive energy policy for the state and the development of each facet of the energy
31 industry, from the obtaining of the raw natural resource to the sale of the final product in this

1 state, other states, and other countries. The study may include the review of and
2 recommendations relating to policy affecting extraction, generation, processing, transmission,
3 transportation, marketing, distribution, and use of energy.

4 **SECTION 31. AMENDMENT.** Section 54-35-22 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-35-22. Workers' compensation review committee.**

- 7 1. During each ~~interim~~, biennium a legislative management's ~~interim~~ workers'
8 compensation review committee must be appointed as follows: two members of the
9 senate appointed by the majority leader of the senate of the legislative assembly; one
10 member of the senate appointed by the minority leader of the senate of the legislative
11 assembly; two members of the house of representatives appointed by the majority
12 leader of the house of representatives; and one member of the house of
13 representatives appointed by the minority leader of the house of representatives. The
14 chairman of the legislative management shall designate the chairman of the
15 committee. The committee shall operate according to the laws and procedures
16 governing the operation of other legislative management ~~interim~~ committees. The
17 committee may recommend legislation relating to workers' compensation. The
18 committee shall meet once each calendar quarter or less often if the committee
19 chairman determines a meeting that quarter is not necessary because there are no
20 claims to review.
- 21 2. The committee shall review workers' compensation claims that are brought to the
22 committee by injured workers for the purpose of determining whether changes should
23 be made to the laws relating to workers' compensation. A claim may not be reviewed
24 by the committee unless workforce safety and insurance has issued a final
25 determination and either the injured worker has exhausted the administrative and
26 judicial appeals process or the period for appeal has expired. ~~In order for~~ For the
27 committee to review a claim, the injured worker must first sign a release of information
28 for constituent authorization to allow the committee and legislative council to review
29 the injured worker's workforce safety and insurance records and to allow the
30 committee members and workforce safety and insurance representatives to discuss
31 the records in an ~~interim~~ committee hearing. Notwithstanding any open meeting

1 requirements, except as otherwise provided under this section, the workforce safety
2 and insurance records of an injured worker whose case is reviewed by the committee
3 are confidential. However, pursuant to the constituent's authorization, information
4 contained in the records may be discussed by the committee members and workforce
5 safety and insurance representatives in an ~~interim~~ committee hearing.

6 3. The committee shall accept testimony of an injured worker and of a representative
7 designated by the injured worker. After the committee has received the testimony of
8 the injured worker and the injured worker's representative, the committee shall request
9 that workforce safety and insurance provide testimony.

10 **SECTION 32. AMENDMENT.** Subsection 4 of section 54-35-23 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 4. The members of the committee are entitled to compensation from the legislative
13 council for attendance at committee meetings at the rate provided for members of the
14 legislative assembly for attendance at ~~interim~~ committee meetings and are entitled to
15 reimbursement for expenses incurred in attending the meetings in the amounts
16 provided by law for other state officers.

17 **SECTION 33. AMENDMENT.** Section 54-35-26 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **54-35-26. Legislative ~~interim~~ committee review of economic development tax**
20 **incentives.**

21 ~~The legislative assembly enacts economic development tax incentives with the intent to~~
22 ~~encourage businesses to locate, grow, and remain in the state; to enhance employment~~
23 ~~opportunities for citizens; and to foster the most advantageous direction, diversity, and growth of~~
24 ~~the state economy.~~ The legislative assembly requires systematic, detailed analysis of enacted
25 economic development tax incentives to ~~assure that~~ensure incentives are, and will continue,
26 serving the intended purposes in a cost-effective and equitable manner consistent with the
27 intent of the legislative assembly. ~~To serve this intent and requirement~~accomplish this objective:

28 1. During each ~~interim~~biennium, the legislative management shall assign to a legislative
29 management ~~interim~~ committee study responsibility that includes completing the
30 analysis of economic development tax incentives ~~as provided in this section and~~

- 1 reporting its findings and any associated recommended legislation to the legislative
2 management.
- 3 2. The legislative management ~~interim~~ committee assigned the study responsibility under
4 this section shall analyze each incentive, applying considerations relevant to the
5 perceived goals of the incentive, including any or all of the following:
- 6 a. The extent of achievement of the goals of the incentive and whether unintended
7 consequences have developed in its application.
 - 8 b. Whether the design and application of the incentive can be improved.
 - 9 c. The extent of complementary or duplicative effect of other incentives or
10 governmental programs.
 - 11 d. Whether the incentive has a positive influence on business behavior or rewards
12 business behavior that is likely to have occurred without the incentive.
 - 13 e. The effect of the incentive on the state economy, including the extent of primary
14 sector operation of the recipient and any competitive disadvantage imposed or
15 benefit conferred on other state businesses, any benefit or burden created for
16 local government, and the extent of the incentive's benefit that flows to
17 out-of-state concerns.
 - 18 f. The employment opportunities generated by the incentive and the extent those
19 represent career opportunities.
 - 20 g. Whether the incentive is the most effective use of state resources to achieve
21 desired goals.
 - 22 h. If the committee's analysis of the incentive is constrained by lack of data, whether
23 statutory or administrative changes should be made to improve collection and
24 availability of data.
- 25 3. The legislative management ~~interim~~ committee assigned the study responsibility under
26 this section may examine economic development tax incentives, shall complete
27 analysis of the incentives it designates for analysis ~~during the interim~~, and shall
28 approve a plan to provide ~~that~~ each of the economic development tax incentives listed
29 in this subsection is subject to a complete analysis within each six-year period. The
30 ~~interim~~ committee may include in its recommendations any amendments to this
31 section, including amendments to add or remove incentives from the list of incentives

- 1 subject to analysis under this subsection. Analysis must be completed for economic
2 development tax incentives, including each of the following:
- 3 a. Renaissance zone credits and exemptions.
 - 4 b. Research expense credit.
 - 5 c. Agricultural commodity processing facility investment credit.
 - 6 d. Biodiesel fuel production facility construction or retrofit credit, biodiesel fuel
7 blending credit, and biodiesel fuel equipment credit.
 - 8 e. Seed capital investment credit.
 - 9 f. Internship program credit.
 - 10 g. Angel fund investment credit.
 - 11 h. Workforce recruitment credit.
 - 12 i. Soybean or canola crushing facility construction or retrofit credit.
 - 13 j. Manufacturing automation equipment credit.
 - 14 k. New or expanding business exemption.
 - 15 l. Manufacturing and recycling equipment sales tax exemption.
 - 16 m. Coal severance and conversion tax exemptions.
 - 17 n. Oil and gas gross production and oil extraction tax exemptions.
 - 18 o. Fuel tax refunds for certain users.
 - 19 p. New jobs credit from income tax withholding.
 - 20 q. Development or renewal area incentives.
 - 21 r. Sales and use tax exemption for materials used to construct a fertilizer or
22 chemical processing facility.
 - 23 s. Sales and use tax exemption for materials used in compressing, gathering,
24 collecting, storing, transporting, or injecting carbon dioxide for use in enhanced
25 recovery of oil or natural gas.
 - 26 t. Sales and use tax exemption for enterprise information technology equipment
27 and computer software used in a qualified data center.
- 28 4. By October first of each odd-numbered year, the ~~interim~~ committee assigned the study
29 responsibility under this section shall determine and approve:
- 30 a. The economic development tax incentives under subsection 3 which will be
31 designated for analysis during that ~~interim~~biennium and a plan to provide for

- 1 analysis of the remaining economic development tax incentives under
2 subsection 3 within the six-year period.
- 3 b. The perceived goals of the legislative assembly in creating or altering each
4 incentive designated for analysis, for use as a baseline for committee analysis of
5 the incentive.
- 6 c. The data and testimony that will be required to conduct an effective analysis of
7 each incentive designated for analysis.
- 8 5. The department of commerce, tax commissioner, economic development foundation,
9 and any other state agency or instrumentality shall provide data and analysis as
10 requested by the ~~interim~~ committee conducting the analysis under this section.
- 11 a. If data isare not available, the entity requested to provide the information shall
12 advise the committee how the data could be obtained and the estimated cost of
13 obtaining the data.
- 14 b. If data isare available but cannot be shared with the committee, the entity
15 requested to provide the information shall explain the reason and whether there
16 are options that could be used to obtain the data or an adequate substitute for
17 the data.
- 18 6. The ~~interim~~ committee conducting the analysis under this section shall report its
19 findings and recommendations together with any legislation required to implement
20 those recommendations to the legislative management.

21 **SECTION 34. AMENDMENT.** Section 54-35.2-04 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **54-35.2-04. Compensation and expenses.**

24 A member of the task force on intergovernmental issues who is a member of the
25 legislative assembly is entitled to receive, from funds available to the task force, compensation
26 per day for each day spent in attendance at task force meetings in the same amount as
27 provided for members of ~~interim~~ committees of the legislative management and reimbursement
28 for travel and other necessary expenses incurred in the performance of official duties in the
29 amounts provided by law for other state officers. Members of the task force on
30 intergovernmental issues who represent political subdivisions may be reimbursed for
31 attendance at task force meetings by the organization they represent.

1 **SECTION 35. AMENDMENT.** Section 54-44.1-07 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-44.1-07. Presentation of budget data - How presented to the legislative assembly.**

4 The director of the budget or the director's designee shall present the budget data
5 information in section 54-44.1-06, except the drafts of acts required by subsection 7 of that
6 section, and make available sufficient copies thereof ~~to~~for the legislative assembly at the
7 organizational session or other times as requested by the legislative assembly. The drafts of
8 acts required by subsection 7 of section 54-44.1-06 must be submitted to the legislative council
9 within seven days after the day of adjournment of the organizational session or other date
10 requested by the legislative assembly. The budget data must be completed and made available
11 to the legislative assembly in such form as may be prescribed by the legislative council. The
12 legislative council shall set the time and place at which such budget data is to be presented.