

**Brain Injury Advisory Council
Special Meeting**

**Video Conference Session
Thursday, December 17, 2020
12:00 PM, CT**

Minutes

Call to Order. Chairperson Nan Kennelly called the meeting to order at 12:03 PM, CT.

Members Present: Nan Kennelly, Chairperson; Sarah Ring, Vice Chairperson; Denise Harvey, Secretary; Representative Dick Anderson; Senator Howard Anderson; Skipp Miller; Barb Burghart; Jean Herauf; David Biberdorf; Austyn Kloehn; Karyn Chiapalla.

Observers: Rebecca Quinn, Brain Injury Network.

Facilitator: Greg Gallagher, Deputy Director, The Consensus Council.

Acceptance of Agenda. Chairperson Kennelly received and accepted the [agenda](#) proposed by the BIAC Legislative Committee following the completion of its December 3, 2020, special meeting to prepare select legislation regarding the membership of the BIAC within ND Century Code. Chairperson Kennelly recognized Greg Gallagher to provide background information regarding bill draft preparations and committee activity leading to the BIAC special meeting.

Mr. Gallagher reported that during the November 20, 2020, BIAC quarterly business meeting, the BIAC passed a series of resolutions that (1) instructed Senator Howard Anderson, on behalf of the BIAC, to approach the Legislative Council to prepare a bill draft to amend current law, [NDCC 50-06.4-10](#), that defines the membership of the BIAC; (2) outlined broad criteria for the bill draft; and (3) established and appointed members to a special BIAC Legislative Committee, charged with reviewing, including drafting amendments, of any resulting bill draft.

The BIAC-approved resolution specified that any amendments to the current [NDCC 50-06.4-10](#) maintain the current voting membership size of the BIAC and provide flexible language to ensure an increase in survivor and family membership of at least a 50% level. Senator Howard Anderson forwarded this request to the Legislative Council for drafting. Following the receipt of the final bill draft (Bill Draft Version 21.0384.01000, attached) from the Legislative Council, Mr. Gallagher convened a meeting of the Legislative Committee to review the bill draft.

Mr. Gallagher referred BIAC members to the [minutes](#) from the December 3, 2020, BIAC Legislative Committee meeting, specifying the proceedings of the Committee and the amendments proposed by the Committee. Mr. Gallagher reported that the BIAC Legislative Committee worked from the draft version prepared by the Legislative Council (Bill Draft Version 21.0384.01000, attached) and developed a series of minor amendments that preserved the form of the first draft and introduced language which allowed greater flexibility to the BIAC and the Governor in the identification and appointment of prospective applicants. Mr. Gallagher stated that the BIAC Legislative Committee worked to honor the instructions provided it within the BIAC resolutions at the November 20, 2020, meeting. The resulting

draft amendments were recorded in the December 3, 2020, [meeting minutes](#), from which Senator Anderson forwarded the amendments to the Legislative Council to develop a second bill draft (Bill Draft Version 21.0384.02000, attached). Mr. Gallagher expressed appreciation, on behalf of the BIAC Legislative Committee members, for the initiative Senator Anderson exercised to move the bill drafting process forward with the Legislative Council staff.

Mr. Gallagher placed Bill Draft Version 21.0384.02000 before the full BIAC membership for comment and any recommended amendments.

Members expressed broad support for the work of the BIAC Legislative Committee and the resulting second bill draft, 21.0384.02000. Members stated that the second draft achieved the aims of the BIAC's resolutions at the November 20, 2020, meeting, and would improve the current law by allowing for greater flexibility in the balance of interests within the BIAC.

Chairperson Kennelly entertained a motion to move this process forward by adopting a resolution of support for the filing of Bill Draft Version 21.0384.02000 with the Legislative Council, with the assistance of Senator Anderson and Representative Anderson.

SKIPP MILLER MADE AND JEAN HERAUF SECONDED A MOTION TO APPROVE AND REQUEST THE FILING OF BILL DRAFT VERSION 21.0384.02000 WITH THE LEGISLATIVE COUNCIL FOR THE PURPOSES OF CONSIDERATION BEFORE THE 2021 LEGISLATIVE ASSEMBLY. THE MOTION PASSED UNANIMOUSLY ON A ROLLCALL VOTE OF ALL ELIGIBLE VOTING MEMBERS PRESENT. CHAIRPERSON KENNELLY ANNOUNCED THE PASSAGE OF THE MOTION.

Senator Howard Anderson stated his intent to move quickly to submit Bill Draft Version 21.0384.02000 to the Legislative Council for filing. Senator Anderson requested that Representative Dick Anderson act as a cosponsor for the bill on the House side. Representative Anderson agreed to serve as the bill's cosponsor. Members expressed appreciation to both legislators for their assistance and guidance on this bill submission and any future presentation.

The following BIAC members agreed to prepare, submit, and perhaps provide oral testimony before the designated committees: (1) Nan Kennelly will prepare testimony in her capacity as BIAC Chairperson; (2) Rebecca Quinn will provide technical testimony in her capacity with the ND Brain Injury Network; (3) Denise Harvey will provide broad testimony in her capacity as a representative of the Protection and Advocacy Project; and (4) Skipp Miller will provide personal testimony as a representative of brain injury survivors and families of brain injury survivors. It was agreed that members begin to prepare their testimony based on the language of Bill Draft Version 21.0384.02000, focusing on the benefits that these amendments to law will afford the balance of representation on the BIAC. Presenters will aim to complete their testimony by the first week of January, in anticipation of any hearing in early January 2021.

BIAC Legislative Monitoring Procedures. Based on past practice and at the request of BIAC members, Rebecca Quinn agreed to coordinate general monitoring activity for the BIAC, referencing the session monitoring guides prepared by the Protection and Advocacy Project. Members were invited to participate in the Friday-afternoon monitoring meetings offered by the Protection and Advocacy Project throughout the legislative session. Ms. Quinn will alert BIAC members of forthcoming brain injury related proposals and initiate formal meetings of the BIAC Legislative Committee, as required.

Members expressed general satisfaction with the monitoring process established.

Having completed the meeting's agenda items, Chairperson Kennelly entertained a motion to adjourn.

JEAN HERAUF MADE AND SKIPP MILLER SECONDED A MOTION TO ADJOURN. THE MOTION PASSED UNANIMOUSLY. CHAIRPERSON KENNELLY ANNOUNCED THE PASSAGE OF THE MOTION AND DECLAIRED THE MEETING ADJOURNED.

The meeting adjourned at 12:38 PM, CT.

Respectfully submitted,

Greg Gallagher
BIAC Facilitator
Deputy Director,
The Consensus Council

APPENDIX A

**Agenda
Special BIAC Meeting
Legislative Committee Report**

December 17, 2020

Brain Injury Advisory Council Meeting
Thursday, December 17, 2020
12:00 PM – 1:00 PM., CT

Video Conference Forum

AGENDA

- 12:00 PM Call Meeting to Order
Welcome and Roll Call
- Approve Agenda, December 17, 2020
- 1:05 PM Consideration of Bill Draft to be Placed Before the 2021 Legislative Assembly
Regarding BIAAC Membership Requirements: Greg Gallagher, Facilitator
- Council Action Regarding Bill Draft
- Legislative Session Monitoring Activities
- 1:00 PM Adjournment

Topic: BIAAC Special Meeting, Legislative Initiatives
Time: Dec 17, 2020 12:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84407169271>

Meeting ID: 844 0716 9271

One tap mobile

+13462487799,, 844 0716 9271# US (Houston)

Dial by your location

+1 312 626 6799 US (Chicago)

APPENDIX B

BIAC Legislative Committee

Meeting Minutes

December 3, 2020

**North Dakota
Brain Injury Advisory Council
Legislative Committee**

**Video Conference Meeting
December 3, 2020
Meeting Minutes**

Call to Order and Welcome: Greg Gallagher, BIAC Facilitator, called the meeting to order at 9:02 AM, CT, via video conference, and welcomed ND Brain Injury Advisory Council (BIAC), Legislative Committee members. Member attendance was recorded by meeting registration.

NDBIAC Legislative Committee Members Present: Sarah Ring; Mandy Slag; Nan Kennelly; and Rebecca Quinn

Observers: Tami Conrad, Department of Human Services; Amber Buzick, ND Brain Injury Network.

Facilitation: Greg Gallagher, Deputy Director, The Consensus Council, Inc., served as facilitator.

Approval of Agenda. Greg Gallagher reviewed the charge of the Legislative Committee resulting from BIAC action during the November 20, 2020, BIAC quarterly business meeting. Pursuant to BIAC resolution, the Legislative Committee is responsible for (1) receiving and considering any amendments to a bill draft proposal regarding BIAC membership requirements set forth within NDCC 50-06.4-10; (2) consider procedural steps required to secure the agreement of the full-BIAC to any prospective bill draft amendments; and (3) to consider any associated matters for BIAC action

Reference to Past BIAC Action. During the November 20, 2020, BIAC quarterly business meeting, the BIAC passed a series of resolutions that (1) instructed Senator Howard Anderson, on behalf of the BIAC, to approach the Legislative Council to prepare a bill draft to amend current law, [NDCC 50-06.4-10](#), that defines the membership of the BIAC; (2) outlined broad criteria for the bill draft; and (3) established and appointed members to a special BIAC Legislative Committee, charged with reviewing, including drafting any amendments, of any resulting bill draft.

The BIAC-approved resolution specified that any amendments to the current NDCC 50-06.4-10 maintain the current voting membership size of the BIAC and provide flexible language to ensure an increase in survivor and family membership of at least a 50% level. Senator Howard Anderson forwarded this request to the Legislative Council for drafting. Following the receipt of the final bill draft (Bill Draft Version 21.0384.01000, attached) from the Legislative Council, Mr. Gallagher convened a meeting of the Legislative Committee to review the bill draft.

Legislative Committee Action. The Legislative Committee reviewed the charge given to it by the BIAC, reviewed the current NDCC 50-06.4-10, and discussed the bill draft (Bill Draft Version 21.0384.01000, attached) prepared by the Legislative Council. Mindful of its obligation to meet the criteria set forth in the November 20, 2020, BIAC resolution defining the work of the Committee, the members of the Legislative Committee passed the following amendments to the bill draft.

Amendment 1: Directive

Rebecca Quinn made and Nan Kennelly seconded a motion to replace the term “shall” with “may” on Line 8. The motion passed unanimously.

Amendment 2: Permissive Membership Category Size, Item a, Line 13.

Sarah Ring made and Nan Kennelly seconded a motion to replace “At least ~~two~~” members in Line 13, within Item “a”, with “At least one” member.

The motion passed unanimously.

Amendment 3: Permissive Membership Category Size, Item b, Line 14.

Sarah Ring made and Nan Kennelly seconded a motion to replace “At least ~~two~~” members in Line 14, within Item “b”, with “At least one” member.

The motion passed unanimously.

Amendment 4: Permissive Membership Category Type, Item d, Line 20

Rebecca Quinn made and Sarah Ring seconded a motion to insert, within Item “d” on Line 20 following the word “commission”, the following: “, may be a brain injury survivor or a family member of a brain injury survivor.”

The motion passed unanimously.

Request for Meeting of the Full BIAC Membership to Review and Approve Proposed Amendments.

Committee members instructed Mr. Gallagher to convene a meeting of the full BIAC at the earliest possible date to review and approve the amendments proposed by the BIAC Legislative Committee. Following this review and approval process, the BIAC would request Senator Howard Anderson to forward the resulting amendment language to the Legislative Council to update Bill Draft Version 21.0384.01000 to a subsequent version. Mr. Gallagher stated that he would prepare the minutes, including the proposed amendments, for distribution to the full BIAC membership. Mr. Gallagher will schedule a future meeting of the full membership by mid-December via a Doodle poll.

Having completed its agenda, the members of the Legislative Committee adjourned the meeting at 10:24 AM, CT.

Respectfully submitted,

Greg Gallagher
BIAC Facilitator,
Deputy Director,
The Consensus Council, Inc.