

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, April 11, 1997

The Senate convened at 9:00 a.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Senator David E. Nething.

The roll was called and all members were present except Senators Berg and Redlin.

A quorum was declared by the President Pro Tem.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2004, SB 2018, SB 2047, SB 2064, SB 2194, SB 2301, SB 2324.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2016.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2019.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:15 a.m., April 11, 1997: SB 2004, SB 2018, SB 2047, SB 2064, SB 2194, SB 2301, SB 2324.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2214, SB 2396.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2214, SB 2396.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 10, 1997, I signed the following: SB 2228.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 10:00 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Holmberg presiding.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1226.

REPORT OF CONFERENCE COMMITTEE

HB 1226, as engrossed: Your conference committee (Sens. Thane, Lee, Yockim and Reps. Price, Weisz, Kerzman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1317-1321, adopt amendments as follows, and place HB 1226 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1317-1321 of the House Journal and pages 1126-1130 and 1149 and 1150 of the Senate Journal and that Engrossed House Bill No. 1226 be amended as follows:

Page 1, line 17, after the fifth comma insert "50-09-20, 50-09-20.1, 50-09-21,"

Page 1, line 21, after the second semicolon insert "to provide for the transfer of responsibilities; to provide for use of program savings and an informal grievance procedure;"

Page 3, line 22, remove "and"

Page 3, line 24, replace the underscored period with "; and

- c. Participate in treatment for mental illness or drug or alcohol dependency."

Page 3, line 25, after "activities" insert "may"

Page 4, line 10, remove "and"

Page 4, line 12, replace the underscored period with "; and

- m. Postsecondary education and any other activity treated by the federal government as work for purposes of calculating a work participation rate under 42 U.S.C. 607(b)."

Page 4, line 17, overstrike "one thousand dollars or more"

Page 4, line 18, after "support" insert "in an amount greater than three times the monthly child support obligation and the obligor is not current in a court-established plan to repay the unpaid child support arrears."

Page 5, line 15, overstrike "one thousand dollars"

Page 5, line 16, overstrike "or more" and after "support" insert "in an amount greater than three times the monthly child support obligation and the obligor is not current in a court-established plan to repay the unpaid child support arrears"

Page 6, line 4, replace the underscored colon with an underscored period

Page 6, remove lines 5 through 8

Page 6, line 20, after "parties" insert ", including the obligor and obligee." and after "and" insert ", at least annually, regarding"

Page 7, line 4, replace "When there is an assignment of support under chapter 50-09 or 50-24.1, and when" with "Unless"

Page 7, remove line 5

Page 7, line 6, remove "unit, the state disbursement unit, unless" and after the third underscored comma insert "the state disbursement unit"

Page 7, line 14, remove "which requires payment of a child support obligation described in"

Page 7, line 15, remove "subsection 1 of section 9 of this Act."

Page 7, line 17, replace "a" with "any"

Page 7, line 18, remove "which requires payment of a child support obligation described in"

Page 7, line 19, remove "subsection 1 of section 9 of this Act."

Page 7, line 21, remove "described in subsection 1 of section 9 of this Act."

Page 8, line 31, replace "Driver's" with "Motor vehicle operator's"

Page 9, line 1, replace "The" with "Employer's" and remove "of the party's employer or"

Page 9, line 2, remove "employers"

Page 9, line 25, overstrike "the provisions of" and overstrike "apply" and insert immediately thereafter "applies"

Page 10, after line 4, insert:

"SECTION 13. AMENDMENT. Section 14-09-08.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

14-09-08.1. Support payments - Payment to court—~~Transfer of payment to court of recipient's residence~~ state disbursement unit - Transfer of proceedings for enforcement of decree - Procedures upon failure to pay.

1. In any action in which a court orders that payments for child support be made, the court shall provide in its order that the payments be paid to the ~~clerk of court, as trustee,~~ state disbursement unit for remittance to the obligee. ~~The clerk shall remit the payments within ten working days of receipt unless the address of the obligee is unknown to the clerk. The clerk shall maintain records listing the amount of the payments, the date when the payments must be made, the names and addresses of the parties subject to the order, and any other information necessary for the proper administration of the order. Upon the filing with the clerk of court of notice of the assignment of support rights to a state, payments must be credited and transmitted pursuant to the assignment and in conformity with title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651, et seq., as amended].~~
2.
 - a. ~~The parties~~ Each party subject to the order shall immediately inform the ~~clerk~~ state disbursement unit of their ~~social security numbers and of the party's:~~
 - (1) Social security number;
 - (2) Residential and mailing addresses and any change of address or change;
 - (3) Telephone number;
 - (4) Motor vehicle operator's license number;
 - (5) Employer's name, address, and telephone number; and
 - (6) Change of any other condition which may affect the proper administration of this chapter.
 - b. The requirements of subdivision a must be incorporated into each order for payment of child support.
 - c. In any subsequent child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of a party, service may be effected by delivery of written notice to the most recent residential or employer address provided by the noticed party pursuant to this subsection.
 - d. The requirements of this subsection continue in effect until all child support obligations have been satisfied with respect to each child subject to the order.
3. Whenever there is failure to make the payments as required, the ~~clerk~~ state disbursement unit shall send notice of the arrears by first-class mail, with affidavit of service, to the person required to make the payments, or request a district judge of the judicial district, on a form provided by the judge, to issue a citation for contempt of court against the person who has failed to make the payments and the citation must be served on that person as provided by the North Dakota Rules of Civil Procedure.
4. The court of its own motion or on motion of a child support agency or the state's attorney of the county of venue, the county of the recipient's residence, or the county of the obligor's residence may cause a certified copy of any support order in the action to be transcribed and filed with the clerk of the district court of any county in this state in which the obligee or the obligor may reside from time to time. Thereafter, ~~the provisions of this section apply~~ applies as if the support order were issued by the district court of the county to which the support order is transcribed. No fee may be charged for transcribing or filing a certified copy of any support order under this section.
5. ~~The clerk of court, at the option of the clerk, may deposit payments received by the clerk under this section in a special trust account in either~~

~~the Bank of North Dakota or in a banking institution of this state designated as a depository of public funds under chapter 21-04 and make payments from the trust account to the obligee or the clerk may deposit payments received by the clerk under this section with the county treasurer and direct their disbursement under chapter 11-14."~~

Page 13, line 11, remove "for child support"

Page 13, line 12, remove "services"

Page 16, line 16, replace "clerks of court" with "public authority"

Page 16, line 17, replace "except:" with "and the receipt and disbursement of child support payments."

Page 16, remove lines 18 through 21

Page 18, line 5, replace "completed" with "commenced with a notice of proposed adoption, amendment, or repeal"

Page 18, line 6, replace "1999" with "1998" and replace "completed" with "so commenced"

Page 18, line 7, after the underscored period insert "Before commencing any rulemaking proceeding under this section, the department shall convene a drafting advisory committee that includes two members of the legislative assembly appointed by the chairman of the legislative council."

Page 21, line 7, replace "23" with "24"

Page 23, line 31, replace "23" with "24"

Page 25, line 25, replace "23" with "24"

Page 27, line 24, after the underscored period insert "If the action is brought at the direction of the department of human services and the final determination of paternity results in the nonexistence of a father and child relationship between the child and a party who was ordered to pay child support under this subsection, that party may seek reimbursement from the department for that amount and the department is subrogated to that party's claim."

Page 33, line 20, replace "and the unpaid child support obligation is at" with "in an amount greater than six times the monthly child support obligation and the judgment debtor is not current in a court-established plan to repay the unpaid child support judgment"

Page 33, line 21, remove "least six months past due"

Page 36, line 23, after the underscored period insert:

"1."

Page 36, line 26, replace "1" with "a"

Page 36, line 27, replace "2" with "b"

Page 36, line 29, replace "3" with "c"

Page 36, line 30, replace "4" with "d" and after the second underscored period insert:

"2. Information acquired under subsection 1 remains confidential subject to the confidentiality requirements of the plans and programs identified in subsection 1."

Page 37, line 13, after "a" insert "past due"

Page 37, line 14, replace "months past due" with "times the monthly child support obligation and the obligor is not current in a court-established plan to repay the past due support"

Page 40, line 1, after "found" insert "or with the secretary of state"

Page 40, line 6, after the underscored period insert:

"The information filed with a register of deeds or with the secretary of state under this section must be included in the computerized central notice system maintained by the secretary of state under section 41-09-46 and must be accessible to the public on the same terms and conditions that apply to access other statutory lien information maintained in the computerized central notice system."

3."

Page 43, line 25, replace "The" with "Subject to the approval of the legislative council, the"

Page 45, line 11, replace "The" with "Subject to the approval of the legislative council, the"

Page 48, line 2, overstrike "make such" and insert immediately thereafter "adopt" and overstrike "and regulations"

Page 48, line 7, overstrike "promulgate such" and insert immediately thereafter "adopt" and overstrike "and regulations"

Page 48, line 26, overstrike "Comply with", remove "the", overstrike "provisions, rules, and regulations", and overstrike "the federal government"

Page 48, line 27, overstrike "may find", overstrike "necessary", and overstrike "to assure the correctness and"

Page 48, line 28, overstrike "verification of the reports to be made" and insert immediately thereafter "Make any determinations respecting title IV-A not expressly reserved to the federal government under federal law"

Page 51, line 5, replace "22" with "24"

Page 51, line 11, replace "46" with "48"

Page 54, line 27, after "compensation" insert "bureau" and after "records" insert "identifying the last-known address of a person who owes or who is owed support, the wage-loss benefits, permanent partial impairment benefits, death benefits, or additional benefits that person has received or is entitled to receive from the bureau, and whether and where that person is currently employed"

Page 56, line 21, replace "A" with "As provided in title IV-D, a"

Page 60, line 26, overstrike "early childhood services"

Page 60, line 27, after the third "program" insert "child care assistance"

Page 61, line 29, after "50-09-24" insert "of"

Page 63, line 5, after "worker" insert "in the training, education, employment, and management program"

Page 67, line 27, after "2" insert ", 3, and 5" and replace "6" with "7"

Page 68, line 4, after the third "or" insert "mental or physical"

Page 68, line 12, remove "and then"

Page 68, line 24, after the third "or" insert "mental or physical"

Page 69, line 16, replace "benefit" with "fund"

Page 69, line 29, after "fails" insert ", without good cause,"

Page 70, line 3, remove "such as hospitalization"

Page 70, line 16, after the second underscored comma insert "except in cases of pregnancy resulting from rape or incest,"

Page 70, remove line 18

Page 70, line 19, remove "child," after "chapter" insert "during the month of the child's probable conception", and remove "and"

Page 70, line 21, replace the underscored period with "; and"

ff. Except as otherwise may be permitted by federal law, not reduce or terminate benefits based on a refusal of an individual to work if the individual is a single custodial parent caring for a child who has not attained six years of age and the individual proves a demonstrated inability to obtain needed child care because of the:

- (1) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;
- (2) Unavailability or unsuitability of informal child care by a relative or under other arrangements; or
- (3) Unavailability of appropriate and affordable formal child care arrangements."

Page 70, line 30, remove "budget section of the"

Page 71, line 7, remove "budget section of the"

Page 71, line 13, remove "budget section of the"

Page 71, line 19, remove "budget section of the"

Page 71, line 27, replace "sections" with "section" and remove "and 50-08.1-02"

Page 71, after line 28, insert:

"SECTION 79. REPEAL. Sections 50-09-20 and 50-09-21 of the North Dakota Century Code and section 50-09-20.1 of the 1995 Supplement to the North Dakota Century Code are repealed.

SECTION 80. REPEAL. Section 50-08.1-02 of the 1995 Supplement to the North Dakota Century Code is repealed."

Page 72, line 7, after the comma insert "the caseload ratio established in section 50-09-20.1, the training and expertise of the managers administrating training, education, employment, and management program,"

Page 72, line 12, after the second comma insert "o," and replace "75" with "76"

Page 72, line 14, after "parties" insert ", and also includes two members of the legislative assembly appointed by the chairman of the legislative council"

Page 72, after line 14, insert:

"SECTION 84. TRANSFER OF RESPONSIBILITIES. To provide for an orderly transfer of responsibilities under chapters 14-08.1 and 14-09 from the clerks of court to the public authority and its state disbursement unit, it is the intention of the legislative assembly that, during the periods between July 1, 1997, and April 1, 1999, with respect to the state disbursement unit activities, and between July 1, 1997, and the system implementation date, with respect to income withholding and other activities, the clerks of court and the public authority shall share responsibilities. The public authority, upon consultation with the supreme court and other representatives selected by the boards of county commissioners, shall prepare schedules for the transfer of specific responsibilities on a county-by-county and case-by-case basis. As soon as the public authority is able to assume responsibilities with respect to a particular county, it is the intention of the legislative assembly that responsibilities with respect to newly issued and newly amended child support orders be assumed by the public authority.

SECTION 85. INFORMAL GRIEVANCE PROCEDURE TO BE DEVELOPED. Before the completion of the transfer of responsibilities under section 84 of this Act, the department of human services, in implementing programs under Title IV-D of the Social Security Act and in consultation with the clerks of court, county offices, and regional child support enforcement offices, shall develop an informal grievance procedure concerning any matter not subject to determination in a judicial proceeding. The

procedure must include the department, clerks of court, county offices, and regional child support enforcement offices that provide services under Title IV-D of the Social Security Act."

Page 72, line 15, replace "76" with "77"

Page 72, line 16, replace "24" with "25"

Page 72, line 17, after "12" insert ", 14", replace "19" with "20", replace "38" with "39", and replace "45" with "46"

Page 72, line 18, replace "47 through 50, 52 through 54, 56 through 65, 67, 68, 70, 71, 74, and 75" with "48 through 51, 53 through 55, 57 through 66, 68, 69, 71, 72, 73, 75, 76, and 80"

Page 72, line 20, replace "46" with "47"

Page 72, line 22, replace "51, 66, 69, 72, 73, and 77" with "52, 67, 70, 74, and 78"

Page 72, line 24, replace "20, 37, and 55" with "13, 21, 38, and 56"

Page 72, line 25, replace "October 1, 1998" with "July 1, 1999"

Page 72, after line 25, insert:

"SECTION 91. EFFECTIVE DATE. Section 79 of this Act becomes effective January 1, 1998, if House Bill No. 1041 becomes law and that bill includes provisions repealing North Dakota Century Code sections 50-09-20, 50-09-20.1, and 50-09-21, but is otherwise ineffective."

Page 72, line 26, replace "50, 65, and 68" with "51, 66, and 69"

Page 72, line 28, replace "75" with "12"

Page 73, line 1, after "12" insert ", 14", replace "19" with "20", replace "38" with "39", replace "45" with "46", and replace "47" with "48"

Page 73, line 2, replace "50, 52 through 54, 56 through 65, 67, 68, 70, 71, 74, and 75" with "51, 53 through 55, 57 through 66, 68, 69, 71, 72, 73, 75, 76, and 80"

Renumber accordingly

Engrossed HB 1226 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the conference committee report on Engrossed HB 1226 be adopted.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1226, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1226, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Berg; Redlin

The conference committee report on Engrossed HB 1226 was adopted.

Engrossed HB 1226, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1226: A BILL for an Act to provide temporary requirements for administration of temporary assistance for needy families; to create and enact a new subsection to section 14-03-17, a new section to chapter 14-05, two new sections to chapter 14-08.1, five new sections to chapter 14-09, a new subsection to section 14-17-09, a new section to chapter 14-17, a new subsection to section 14-17-14, a new section to chapter 14-19, a new subsection to section 23-02.1-19, a new section to chapter 28-21, a new chapter to title 34, a new chapter to title 35, a new chapter to title 43, and ten new sections to chapter 50-09 of the North Dakota Century Code, relating to the implementation of federal welfare reform in North Dakota; to amend and reenact sections 11-17-07, 14-08.1-05, 14-08.1-06, 14-08.1-07, 14-09-08.1, 14-09-08.4, 14-09-08.6, 14-09-08.9, 14-09-08.10, 14-09-08.11, 14-09-08.13, 14-09-08.14, 14-09-09.3, subsection 4 of section 14-09-09.7, sections 14-09-09.10, 14-09-09.13, 14-09-09.14, 14-09-09.15, 14-09-09.16, 14-09-09.17, 14-09-09.24, 14-09-09.25, 14-17-10, subsection 4 of section 14-17-13, sections 14-17-16, 14-19-03, 14-19-05, 14-19-06, 14-19-10, subsection 5 of section 23-02.1-13, sections 50-06-01.4, 50-06-01.8, 50-09-01, 50-09-02, 50-09-02.1, 50-09-03, 50-09-06, 50-09-09, 50-09-14, 50-09-20, 50-09-20.1, 50-09-21, 50-09-22, and 50-09-24 of the North Dakota Century Code, relating to the implementation of federal welfare reform in North Dakota; to repeal sections 14-09-09.23, 50-06-06.8, 50-08.1-02, 50-09-16, 50-09-17, 50-09-20, 50-09-20.1, 50-09-21, and 50-09-22 of the North Dakota Century Code, relating to procedures for income withholding and the state and county shares of the cost of the aid to families with dependent children program; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; to provide for a legislative council study; to provide for a statewide task force; to provide for the transfer of responsibilities; to provide for use of program savings and an informal grievance procedure; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nothing; Sand; Schobinger; Solberg; St. Aubyn; Stenehjelm, B.; Stenehjelm, W.; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Christmann; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Berg; Redlin

Engrossed HB 1226, as amended, passed, the title was agreed to, but the emergency clauses lost for lack of a two-thirds majority.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clauses failed on: HB 1226.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1009, HB 1014.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1009, HB 1014.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2002, SB 2017, SB 2043.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 12:00 noon, which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Holmberg presiding.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1018.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1012.

REPORT OF CONFERENCE COMMITTEE

HB 1018: Your conference committee (Sens. Solberg, Holmberg, Tallackson and Reps. Byerly, Hausauer, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1331-1334, adopt amendments as follows, and place HB 1018 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1331-1334 of the House Journal and pages 1163-1166 of the Senate Journal and that House Bill No. 1018 be amended as follows:

Page 1, line 2, after "tax" insert "; to amend and reenact section 57-15-01.1 of the North Dakota Century Code, relating to property tax levy authority of taxing districts; and to provide an effective date"

Page 1, after line 18, insert:

"SECTION 3. AMENDMENT. Section 57-15-01.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-15-01.1. (Effective for first four taxable years beginning after December 31, 1994) Protection of taxpayers and taxing districts. Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:
 - a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year, but not including any amount levied in dollars under subsection 9; and
 - b. "Budget year" means the taxing district's year for which the levy is being determined under this section.
3. A taxing district may elect to levy two percent more in taxable year 1995 and two percent more in taxable year 1996 than the amount levied in dollars in the base year and for taxable years 1997 and 1998 may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
 - a. Reduced by an amount equal to the sum determined by application of the base year's mill rate for that taxing district to the final base year taxable valuation of any property that is not included in the assessment for the budget year but was included in the assessment for the base year. However, no reduction may be made under this section due to the exemption of the personal property of railroads by enactment of House Bill No. 1396 by the fifty-fourth legislative assembly.
 - b. Increased by an amount equal to the sum determined by the application of the base year's mill rate for that taxing district to the final budget year taxable valuation of any property that was not included in the assessment for the base year but which is included in the assessment for the budget year.

- c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
4. A taxing district may levy an amount in dollars equal to the amount levied in any of the previous three years reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district and increased by an amount equal to the sum determined by the application of any unused mill levy authority from that year, which was authorized by law or by the electors of that taxing district but not levied for that year, to the budget year taxable valuation of the taxable property in that taxing district. A taxing district electing to increase its levy under this subsection may not add any amount permitted by subsection 3 to the amount levied under this subsection.
5. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.
6. Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:
 - a. Any irrepealable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
 - b. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
7. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.
8. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.
9. In addition to the amount otherwise determined under this section, a county, city, township, or school district eligible for federal funds on a matching basis as a result of a disaster or emergency declared by the president of the United States may levy an amount in dollars equal to the amount required to match federal funds. An additional levy under this subsection may not increase the total budget year levy under this section to more than two percent more than the amount levied by the county, city, township, or school district in the base year. Amounts levied under this subsection are not part of base year levies in dollars for purposes of future budget year calculations under this section.

(Effective for taxable years beginning after December 31, 1998) Protection of taxpayers and taxing districts. Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:
 - a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year;

- b. "Budget year" means the taxing district's year for which the levy is being determined under this section; and
 - c. "Calculated mill rate" means the mill rate that results from dividing the base year taxes levied by the sum of the taxable value of the taxable property in the base year plus the taxable value of the exempt property calculated in the same manner as the taxable property.
- 3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
 - a. Reduced by an amount equal to the sum determined by application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable and exempt property that is not included in the taxing district for the budget year but was included in the taxing district for the base year.
 - b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable or exempt property that was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
- 4. A taxing district may levy an amount in dollars equal to the amount levied in any of the previous three years reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district and increased by an amount equal to the sum determined by the application of any unused mill levy authority from that year, which was authorized by law or by the electors of that taxing district but not levied for that year, to the budget year taxable valuation of the taxable property in that taxing district. A taxing district electing to increase its levy under this subsection may not add any amount permitted by subsection 3 to the amount levied under this subsection.
- 5. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.
- 6. Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:
 - a. Any irrepealable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
 - b. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
- 7. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.
- 8. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.

SECTION 4. EFFECTIVE DATE. Section 3 of this Act is effective for taxable years beginning after December 31, 1996."

Renumber accordingly

HB 1018 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. SOLBERG MOVED that the conference committee report on HB 1018 be adopted, which motion prevailed on a voice vote.

HB 1018, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation to the tax commissioner for payment of state reimbursement under the homestead tax; to amend and reenact section 57-15-01.1 of the North Dakota Century Code, relating to property tax levy authority of taxing districts; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Bowman; Mutch; O'Connell; Yockim

ABSENT AND NOT VOTING: Berg; Redlin

HB 1018, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1012, as engrossed: Your conference committee (Sens. St. Aubyn, Bowman, Krauter and Reps. Wentz, Delzer, Oban) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1251-1265, adopt amendments as follows, and place HB 1012 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1251-1265 of the House Journal and on pages 1073-1086 of the Senate Journal and that Engrossed House Bill No. 1012 be amended as follows:

Page 1, line 3, remove "a new subsection to section 50-06-05.4 and"

Page 1, line 4, remove "the human service council duties and to"

Page 1, line 6, replace "sections 54-14-03.1 and" with "section"

Page 1, line 8, replace "50-06-05.5" with "25-04-20"

Page 1, line 9, replace the first "and" with a comma

Page 1, line 11, after the comma insert "and to amend and reenact section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws and by section 9 of chapter 34 of the 1995 Session Laws,"

Page 1, line 12, after "the" insert "westwood park assets management committee,"

Page 1, line 13, replace "25-04-20 of" with "15 of House Bill No. 1041 as enacted by the fifty-fifth legislative assembly; to provide for a legislative council study and reports to the budget section;"

Page 1, remove line 14

Page 1, line 15, after the semicolon insert "to provide an expiration date;"

Page 2, line 1, replace "8,670,509" with "8,851,202"

Page 2, line 2, replace "6,831,453" with "13,214,066"

Page 2, line 3, replace "25,564" with "87,939"

Page 2, line 6, replace "18,083,959" with "24,709,640"

Page 2, line 7, replace "12,162,731" with "14,208,075"

Page 2, line 8, replace "5,921,228" with "10,501,565"

Page 2, line 12, replace "18,141,716" with "29,027,234"

Page 2, line 13, replace "1,000" with "52,736"

Page 2, line 15, replace "500,000" with "159,800"

Page 2, remove line 16

Page 2, line 17, replace "187,940,292" with "175,180,115"

Page 2, line 18, replace "606,723,360" with "611,485,197"

Page 2, line 19, replace "826,450,739" with "824,749,453"

Page 2, line 20, replace "636,150,543" with "631,892,967"

Page 2, line 21, replace "190,300,196" with "192,856,486"

Page 2, line 24, replace "9,350,702" with "9,528,238"

Page 2, line 25, replace "10,987,311" with "13,589,797"

Page 2, line 26, replace "129,065" with "332,545"

Page 2, line 28, replace "100,266,694" with "101,104,517"

Page 2, line 29, replace "120,735,391" with "124,556,716"

Page 2, line 30, replace "85,402,836" with "88,336,347"

Page 2, line 31, replace "35,332,555" with "36,220,369"

Page 3, line 3, replace "7,486,057" with "7,753,411"

Page 3, line 4, replace "3,741,452" with "3,801,225"

Page 3, line 5, replace "3,744,605" with "3,952,186"

Page 3, line 7, replace "12,252,822" with "12,567,842"

Page 3, line 8, replace "6,494,751" with "6,512,482"

Page 3, line 9, replace "5,758,071" with "6,055,360"

Page 3, line 11, replace "7,012,831" with "7,218,639"

Page 3, line 12, replace "3,193,069" with "3,202,436"

Page 3, line 13, replace "3,819,762" with "4,016,203"

Page 3, line 15, replace "15,378,846" with "15,851,751"

Page 3, line 16, replace "8,365,365" with "8,531,389"

Page 3, line 17, replace "7,013,481" with "7,320,362"

Page 3, line 19, replace "16,404,559" with "16,744,297"

Page 3, line 20, replace "9,781,486" with "9,865,116"

Page 3, line 21, replace "6,623,073" with "6,879,181"

Page 3, line 23, replace "9,022,191" with "9,347,902"

Page 3, line 24, replace "4,338,947" with "4,421,354"

Page 3, line 25, replace "4,683,244" with "4,926,548"

Page 3, line 27, replace "14,479,280" with "14,984,354"

Page 3, line 28, replace "7,895,864" with "7,981,184"

Page 3, line 29, replace "6,583,416" with "7,003,170"

Page 4, line 1, replace "7,959,369" with "8,118,947"

Page 4, line 2, replace "3,821,558" with "3,837,857"

Page 4, line 3, replace "4,137,811" with "4,281,090"

Page 4, line 5, replace "52,338,902" with "54,618,607"

Page 4, line 7, replace "54,240,302" with "56,520,007"

Page 4, line 8, replace "18,566,061" with "18,626,024"

Page 4, line 9, replace "35,674,241" with "37,893,983"

Page 4, line 11, replace "38,824,692" with "39,233,420"

Page 4, line 13, replace "39,086,692" with "39,495,420"

Page 4, line 14, replace "30,132,445" with "30,158,522"

Page 4, line 15, replace "8,954,247" with "9,336,898"

Page 4, remove lines 16 through 19

Page 4, line 20, replace "184,647,837" with "188,602,570"

Page 4, line 21, replace "96,330,998" with "96,937,589"

Page 4, line 22, replace "88,316,839" with "91,664,981"

Page 4, line 25, replace "32,263,866" with "6,816,809"

Page 4, line 26, replace "19,263,866" with "3,312,646"

Page 4, line 27, replace "13,000,000" with "3,504,163"

Page 4, line 28, replace "332,870,818" with "334,747,564"

Page 4, line 29, replace "849,310,974" with "834,887,624"

Page 4, line 30, replace "1,182,181,792" with "1,169,635,188"

Page 5, line 21, after the period insert "The transfers from human service centers require prior consultation with the regional human service center advisory boards."

Page 5, remove lines 26 through 31

Page 6, remove lines 1 through 11

Page 6, line 12, after "**CENTER**" insert "**AND INSTITUTIONAL**"

Page 6, line 14, after the first "centers" insert "and institutions" and after the second "centers" insert "and institutions"

Page 6, line 16, remove "and" and after "practices" insert ", and core services"

Page 6, line 20, remove "essential"

Page 6, line 21, after "enhancements" insert "in consultation with the central office"

Page 6, remove lines 22 through 24

Page 6, line 25, replace "5" with "4"

Page 6, line 26, replace "to reallocate for performance incentives and" with "or"

Page 6, after line 27, insert "Human service centers are to provide appropriate community services to continue the trend of fewer state hospital and developmental center admissions to serve clients, to the extent possible, in a least restrictive environment."

Page 6, line 29, replace "**EMERGENCY COMMISSION APPROVAL**" with "**REPORTS TO THE BUDGET SECTION AND THE LEGISLATIVE COUNCIL**"

Page 6, line 30, remove "emergency commission approve requests submitted by a" and replace "center" with "centers"

Page 6, line 31, replace "or" with "and" and replace "for authorization to hire" with "report to the budget section and the legislative council, or its designee, on the hiring of any"

Page 7, line 1, replace "that are associated with an approved request for funding from the supplemental fund" with "in addition to those authorized by the legislative assembly"

Page 7, remove line 2

Page 7, remove lines 12 through 19

Page 7, line 20, remove "**EXEMPTION -**" and remove "**AND REPORT**"

Page 7, remove lines 21 and 22

Page 7, line 23, replace "Any" with:

"SECTION 10. AMENDMENT. Section 25-04-20 of the North Dakota Century Code is amended and reenacted as follows:

25-04-20. Westwood park assets management committee. The westwood park assets management committee consists of eleven members appointed by the governor as follows: three members of the senate, two from the majority faction and one from the minority faction, and three members of the house of representatives, two from the majority faction and one from the minority faction; a representative of the department of human services; a representative of the department of economic development and finance; a representative of the attorney general's office; the mayor of Grafton; and the governor or the governor's designee. ~~The officers of the westwood park assets management committee must be elected annually.~~ The governor shall appoint a chairman. Any state agency may serve in an advisory capacity to the westwood park assets management committee at the discretion of the committee. The committee shall meet at ~~least twice each year and at other~~ such times as the committee or its chairman may direct. The legislative members of the committee are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and the necessary mileage and travel expenses provided in sections 44-08-04 and 54-06-09 while attending committee meetings or in the performance of such special duties as the committee may direct. The compensation provided for in this section may not be paid to any member of the committee who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state. The westwood park assets management committee shall act when the legislative assembly is not in session to sell, lease, and otherwise manage the property of westwood park, subject to prior budget section approval. The department of human services shall provide staff services for the westwood park assets committee. Any conveyance made by the committee under this section is exempt from sections 54-01-05.2 and 54-01-05.5."

Page 7, remove lines 24 through 29

Page 8, remove lines 1 through 24

Page 9, line 11, remove "containing up to ten beds"

Page 10, line 7, after "gross" insert "licensed" and after "beds" insert ", adjusted by any reduction in beds before July 31, 1997,"

Page 10, line 8, after "1999" insert ". Transfers of existing beds from one municipality to another municipality must be approved if the department of health licensing requirements are met, during the period August 1, 1997, to July 31, 1999, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred"

Page 10, line 18, after "gross" insert "licensed" and replace "twenty-four" with "forty"

Page 10, line 19, after "beds" insert ", adjusted by any reduction in beds before July 31, 1997," and after "1999" insert ". Transfers of existing beds from one municipality to another municipality must be approved if the department of health licensing requirements are met, during the period August 1, 1997, to July 31, 1999, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Certificate of need projects approved by the state health council before July 31, 1995, and not completed as of August 1, 1997, are considered to be within the state's licensed long-term care bed capacity as authorized by this section and may be completed. For long-term care bed transfers to be made within the state before the application of the one-for-one provisions in this section, the proposals for the transfer must have occurred and been discussed with the department of health before April 1, 1997, and confirmed with contracts executed between the parties to the transfer, and filed with the department of health before June 1, 1997, providing for the bed transfers to be completed by January 1, 1998, and not exceeding the state's licensed long-term bed capacity as authorized by this section"

Page 10, after line 19, insert:

"SECTION 16. AMENDMENT. Section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws and by section 9 of chapter 34 of the 1995 Session Laws is amended and reenacted as follows:

SECTION 4. PROCEEDS - APPROPRIATION. The proceeds from the sale of land, property, and equipment at westwood park must be deposited in the lands and minerals trust fund. There is hereby appropriated \$200,000, or so much thereof as may be necessary, from the lands and minerals trust fund, to the department of human services for capital improvements or demolition of existing buildings at westwood park for the period beginning July 1, 1991, and ending June 30, ~~1997~~ 1999."

Page 10, line 28, replace "20" with "17"

Page 10, line 29, remove "**OPERATING AND**"

Page 10, line 30, replace "**REPORTING.** The department of human services shall allocate to the various" with "**APPROVAL.** The appropriation in subdivision 5 contains funding for the following computer development projects:

PROJECT	GENERAL FUND	OTHER FUNDS	TOTAL
TEEM - release 3	\$ 899,607	\$ 473,037	\$1,372,644
RESPOND - release 3	260,583	137,021	397,604
State hospital	1,800,000		1,800,000
Medical - TANF	379,307	2,537,922	2,917,229
Child care	<u>164,666</u>	<u>164,666</u>	<u>329,332</u>
Total	\$3,504,163	\$3,312,646	\$6,816,809

The department of human services shall receive prior budget section approval before exceeding the costs for the named projects. If savings are projected for the computer projects, the department of human services may request budget section approval to start other projects with projected savings."

Page 10, remove line 31

Page 11, line 1, remove "operating and development costs subject to budget section approval."

Page 11, line 5, replace "The" with "Except as may be waived by approval of the budget section, the"

Page 11, line 7, after the first "the" insert "cost allocation plan for the receipt of" and after "amounts" insert "not less than eighty-five percent of the amounts"

Page 11, line 20, remove "It is also the intent of the legislative assembly that"

Page 11, remove lines 21 through 23

Page 11, line 25, after "services" insert "may"

Page 12, line 11, replace "\$4,300,000" with "\$4,695,337"

Page 12, line 12, remove "Each provider agency shall"

Page 12, remove lines 13 through 20

Page 12, replace lines 26 through 29 with:

"SECTION 25. LEGISLATIVE INTENT - PILOT PROJECT FOR LOW-INCOME PARENTS PROVIDING SERVICES TO DEVELOPMENTALLY DISABLED ADULT CHILDREN - FEDERAL WAIVERS - BUDGET SECTION REPORTS.

1. It is the intent of the legislative assembly that the department of human services seek appropriate federal waivers and establish a pilot program in one human service region to provide a subsidy on behalf of adult developmentally disabled children, age twenty-two and older, residing in the home of each adult child's parent or parents. The pilot program must:
 - a. Be limited to no more than five adult developmentally disabled children;
 - b. Provide subsidies substantially in the form of the family subsidy program;
 - c. Be limited to five hundred dollars per month per eligible adult developmentally disabled child; and
 - d. Be provided only on behalf of developmentally disabled adult children whose parent's income, not counting any form of means-tested public benefit, is no more than the federal poverty level applicable to a family of a size that includes the adult developmentally disabled child, that child's parent or parents, and minor children of that parent or those parents, living with the developmentally disabled adult child.
2. The pilot program required by this section must be based on policies developed and implemented without rulemaking that may be otherwise required under law.
3. The department shall study the provision of subsidies under this section and report on the status of available federal waivers and recommendations for the 1999-2001 biennium to the budget section of the legislative council.

SECTION 26. EFFECTIVE DATE - EXPIRATION DATE. Section 25 of this Act becomes effective on April 1, 1997, and is effective through June 30, 1999, and after that date is ineffective. Sections 14 and 15 are effective on August 1, 1997.

SECTION 27. REPEAL. If House Bill No. 1041 as enacted by the fifty-fifth legislative assembly becomes effective, section 15 of House Bill No. 1041 is repealed.

SECTION 28. DEPARTMENT OF HUMAN SERVICES REPORTS TO BUDGET SECTION - HUMAN SERVICE CENTER, STATE HOSPITAL, AND DEVELOPMENTAL CENTER BLOCK GRANT ACCOUNTABILITY. The department of human services shall report to the budget section of the legislative council by June 30, 1998, regarding human service center, state hospital, and developmental

center block grant accountability including information regarding employee turnover and vacancies, human service center budget status and cash flow, clinical services including persons served, changes in client demand for services, waiting lists, impact on deinstitutionalization, and external purchase of services, regional needs assessment and planning, and development of an evaluation and outcome report.

SECTION 29. LEGISLATIVE INTENT - TRAUMATIC BRAIN INJURY PROGRAM ESTABLISHMENT - DEVELOPMENTAL CENTER. Notwithstanding section 15 of this Act, it is the intent of the legislative assembly that the developmental center be allowed to establish a traumatic brain injury program, subject to emergency commission and budget section approval, including up to twenty full-time equivalent employees, if the program can be established at the same or at a reduced cost and funded from other departmental and third-party resources.

SECTION 30. REPORTS TO BUDGET SECTION - WELFARE FRAUD - COST-EFFECTIVENESS. The department of human services shall periodically report to the budget section regarding the welfare fraud detection programs including reports on cost-effectiveness and avoidance, during the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 31. LEGISLATIVE COUNCIL STUDY - WELFARE REFORM IMPLEMENTATION - DEPARTMENT OF HUMAN SERVICES REPORTING. The legislative council shall consider studying the monitoring of North Dakota's welfare reform implementation efforts to determine the effectiveness of welfare reform during the 1997-98 interim. The department of human services and persons or parties conducting the review shall periodically report to the legislative council, or its designee, regarding the evaluation of welfare reform during the 1997-98 interim.

SECTION 32. LEGISLATIVE COUNCIL STUDY - BASIC CARE RATE EQUALIZATION. The legislative council shall consider studying basic care rate equalization, including the cost impacts to the state and private pay residents during the 1997-98 interim.

SECTION 33. LEGISLATIVE INTENT - OPERATING MARGIN - BASIC CARE RATES. It is the intent of the legislative assembly that the rates set for basic care facilities under subsection 3 of section 50-24.5-02 during the 1997-99 biennium include an operating margin at a total cost of \$104,690, or so much thereof as may be necessary, appropriated within subdivision 2 of section 1 of this Act. The operating margin must be based on two percent of actual direct care costs and a limit rate set to produce such results.

SECTION 34. LEGISLATIVE COUNCIL STUDY - HUMAN SERVICE CENTER BLOCK GRANTS. If the legislative council studies the department of human services pursuant to Senate Concurrent Resolution No. 3042, approved by the fifty-fifth legislative assembly, during the 1997-98 interim, the study should review the block grant method of appropriating funds to regional human service centers, including incentives, accountability, and budgeting processes.

SECTION 35. LEGISLATIVE INTENT - CHILD SUPPORT EMPLOYEES. It is the intent of the legislative assembly that the eleven full-time equivalent child support positions added by the fifty-fifth legislative assembly for the department of human services are authorized only for the biennium beginning July 1, 1997, and ending June 30, 1999, and that if the department requests the full-time equivalent authorization and related funding for any of these positions for the 1999-2001 biennium, the request must be specifically identified as a budget change in the department's 1999-2001 biennium budget request."

Page 13, line 4, replace "16" with "12, 17" and replace "20, and 21" with "and 25"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

CONFERENCE COMMITTEE - The attached schedule details the Senate changes to House Bill No. 1012.

SUBDIVISION 1 - MANAGEMENT AND COUNCILS	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	TOTAL CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE RECOMMENDED AMOUNTS
Salaries and wages	\$ 8,851,202	\$ (180,693)	\$ 8,670,509	\$ 180,693	\$ 8,851,202
Operating expenses	16,308,781	(9,477,328)	6,831,453	6,382,613	13,214,066
Equipment	190,925	(165,361)	25,564	62,375	87,939
Grants	715,477		715,477		715,477
Developmental disabilities loan fund	<u>1,840,956</u>		<u>1,840,956</u>		<u>1,840,956</u>
Total all funds	\$27,907,341	\$ (9,823,382)	\$18,083,959	\$6,625,681	\$24,709,640
Less estimated income	<u>15,762,387</u>	<u>(3,599,656)</u>	<u>12,162,731</u>	<u>2,045,344</u>	<u>14,208,075</u>
Total general fund appropriation	\$12,144,954	\$ (6,223,726)	\$ 5,921,228	\$4,580,337	\$10,501,565
FTE	105.80	(2.50)	103.30	1.5	104.80
CONFERENCE COMMITTEE CHANGES	GENERAL FUND	OTHER FUNDS	TOTAL		
Salaries - Restore 1 vacant FTE director of field services		\$ 158,487	\$ 158,487		
Restore .5 FTE for centralized checkwriting (\$22,206) and postage (\$234,914)	\$ 103,640	153,480	257,120		
Restore computer operating costs (\$6,865,119) and equipment (\$62,375)	5,033,517	1,893,977	6,927,494		
Operating - Remove risk management premiums	(556,820)	(160,600)	(717,420)		
Total changes Subdivision 1	<u>\$4,580,337</u>	<u>\$2,045,344</u>	<u>\$6,625,681</u>		

SUBDIVISION 2 - ECONOMIC ASSISTANCE	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	TOTAL CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE RECOMMENDED AMOUNTS
Salaries and wages	\$ 8,922,158	\$ (80,330)	\$ 8,841,828		\$ 8,841,828
Operating expenses	34,771,730	(16,630,014)	18,141,716	\$10,885,518	29,027,234
Equipment	151,203	(150,203)	1,000	51,736	52,736
Capital improvements	2,543		2,543		2,543
Welfare reform contingency		500,000	500,000	(340,200)	159,800
Grants - Developmental disabilities direct contact staff supplement		4,300,000	4,300,000	(4,300,000)	
Grants - Assistance payments	201,094,966	(13,154,674)	187,940,292	(12,760,177)	175,180,115
Grants - Medical assistance	615,640,315	(8,916,955)	606,723,360	4,761,837	611,485,197
Total all funds	\$860,582,915	\$ (34,132,176)	\$826,450,739	\$ (1,701,286)	\$824,749,453
Less estimated income	664,899,964	(28,549,421)	636,150,543	(4,257,576)	631,892,967
Total general fund appropriation	\$195,882,951	\$ (5,582,755)	\$190,300,196	\$ 2,556,290	\$192,856,486
FTE	114.80	(1.00)	113.80	0	113.80
CONFERENCE COMMITTEE CHANGES	GENERAL FUND	OTHER FUNDS	TOTAL		
Operating expenses					
Restore TANF evaluation for outside consultant services		\$ 425,158	\$ 425,158		
Restore funding for current welfare fraud units	\$ 98,463	166,638	265,101		
Restore computer operating (\$10,195,259) and equipment (\$51,736)	2,459,279	7,787,716	10,246,995		
Remove developmentally disabled direct staff line	(1,463,374)	(2,836,626)	(4,300,000)		
Adjust welfare reform contingency line item	(500,000)	159,800	(340,200)		
Grants - Assistance payments					
Use remaining TANF funds	(530,000)	530,000			
Restore moneys for Indian county allocations (\$619,000) and additional moneys to implement House Bill No. 1041 (\$1,168,000)	1,787,000		1,787,000		
Basic care - 2% operating margins	104,690		104,690		

Adjust grant caseload reprojections to correct amounts	(50,096)	(32,429)	(82,525)
Revise child care grant funding	(295,540)	2,913,059	2,617,519
Reduction for AFDC women - First two trimesters	(407,244)		(407,244)
Appropriate additional LIHEAP funds		2,400,000	2,400,000
Remove TANF funds from economic assistance grants to be in welfare reform contingency line		(159,800)	(159,800)
Reduce grants to reflect the impact of House Bill No. 1041	(412,714)	(18,607,103)	(19,019,817)
Add general fund - Decrease county funds for reduced county share of TANF - First six months	157,977	(157,977)	
Grants - Medical assistance payments			
Appropriate funds for pilot project for developmentally disabled adults	10,000	56,500	66,500
Add funds transferred from developmentally disabled direct staff supplement	1,463,374	2,836,626	4,300,000
Increase funds for developmentally disabled providers	134,475	260,862	395,337
Total changes Subdivision 2	\$ 2,556,290	\$(4,257,576)	\$(1,701,286)

SUBDIVISION 3 - PROGRAM AND POLICY	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	TOTAL CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE RECOMMENDED AMOUNTS
Salaries and wages	\$ 9,501,779	\$ (151,077)	\$ 9,350,702	\$ 177,536	\$ 9,528,238
Operating expenses	13,498,064	(2,510,753)	10,987,311	2,602,486	13,589,797
Equipment	1,034,393	(905,328)	129,065	203,480	332,545
Capital improvements	1,619		1,619		1,619
Grants	99,078,622	1,188,072	100,266,694	837,823	101,104,517
Total all funds	\$123,114,477	\$ (2,379,086)	\$120,735,391	\$3,821,325	\$124,556,716
Less estimated income	86,586,644	(1,183,808)	85,402,836	2,933,511	88,336,347
Total general fund appropriation	\$ 36,527,833	\$ (1,195,278)	\$ 35,332,555	\$ 887,814	\$ 36,220,369
FTE	117.15	(3.50)	113.65	1.0	114.65
CONFERENCE COMMITTEE CHANGES	GENERAL FUND	OTHER FUNDS	TOTAL		
Salaries - Restore funding for program and policy FTE removed in both the executive budget and also in the House version	\$ 115,633	\$ 61,903	\$ 177,536		
Operating - Pilot study of substance abuse		30,881	30,881		
Operating - Social work training		287,941	287,941		
Restore computer operating (\$2,283,664) and equipment (\$203,480)	817,829	1,669,315	2,487,144		
Grants					
Foster care caseload reprojections correction	(223,244)	(103,558)	(326,802)		
Revise child care grant projections		612,938	612,938		
Restore vocational rehabilitation grants reduced by the House	100,000	100,000	200,000		
Restore SPED medical allowance to \$700 family/\$350 single	27,596	1,452	29,048		
Increase mill levy match to \$1,050,000	50,000		50,000		
Pilot study of substance abuse - Grants		272,639	272,639		
Total changes Subdivision 3	\$ 887,814	\$2,933,511	\$3,821,325		

GENERAL FUND CHANGES

SUBDIVISION 4 - FIELD SERVICES	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	RESTORE FUNDING	RESTORE .3 FTE PHYSICIAN FOSTER GRANDPARENT	RESTORE COMPUTER OPERATING	TOTAL CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE RECOMMENDED AMOUNTS
Human service centers								
Northwest	\$ 4,034,982	\$ (290,377)	\$ 3,744,605	\$ 88,392		\$ 119,189	\$ 207,581	\$ 3,952,186
North Central	6,325,483	(567,412)	5,758,071	135,320		161,369	297,289	6,055,360
Lake Region	3,149,514	(329,752)	3,819,762	90,166		106,275	196,441	4,016,203
Northeast	7,462,339	(448,858)	7,013,481	165,555		141,326	306,881	7,320,362
Southeast	7,101,123	(478,050)	6,623,073	156,339		99,769	256,108	6,879,181
South Central	5,061,637	(378,393)	4,683,244	110,549		132,755	243,304	4,926,548
West Central	7,138,732	(555,316)	6,583,416	264,349		419,754	7,003,170	7,003,170
Badlands	4,429,355	(291,544)	4,137,811	97,674		45,605	143,279	4,281,090
Total human service centers	\$ 45,703,165	\$(3,339,702)	\$ 42,363,463	\$ 1,000,000		\$1,070,637	\$ 2,070,637	\$ 44,434,100
State Hospital	\$ 42,847,213	\$(7,172,972)	\$ 35,674,241	\$ 1,555,993		\$ 663,749	\$ 2,219,742	\$ 37,893,983
Developmental Center	9,413,550	(459,303)	8,954,247	363,219		19,432	382,651	9,336,898
Mental health - Supplemental fund		1,143,279	1,143,279	(1,143,279)			(1,143,279)	
Developmental disabilities services - Supplemental fund		181,609	181,609	(181,609)			(181,609)	
Total general fund	\$ 97,963,928	\$(9,647,089)	\$ 88,316,839	\$ 1,594,324		\$1,753,818	\$ 3,348,142	\$ 91,664,981

ALL FUNDS CHANGES

Human service centers								
Northwest	\$ 7,843,299	\$(357,242)	\$ 7,486,057	\$ 88,392		\$ 178,962	\$ 267,354	\$ 7,753,411
North Central	12,933,325	(880,503)	12,052,822	135,320		179,100	315,020	12,567,842
Lake Region	7,388,308	(355,477)	7,032,831	90,166		115,642	205,808	7,218,639
Northeast	15,936,193	(557,347)	15,378,846	165,555	\$ 67,000	240,350	472,905	15,851,751
Southeast	17,060,957	(656,398)	16,404,559	156,339		183,399	339,738	16,744,297
South Central	9,512,689	(490,498)	9,022,191	110,549		215,162	325,711	9,347,902
West Central	15,124,615	(645,335)	14,479,280	155,405		349,669	505,074	14,984,354
Badlands	7,883,040	76,329	7,959,369	97,674		61,904	159,578	8,118,947
Total human service centers	\$ 93,662,426	\$(3,666,471)	\$ 89,995,955	\$ 1,000,000	\$ 67,000	\$1,524,188	\$ 2,591,188	\$ 92,587,143
State Hospital	\$ 59,828,413	\$(5,588,111)	\$ 54,240,302	\$ 1,524,373	\$ 91,203	\$ 664,129	\$ 2,279,705	\$ 56,520,007
Developmental Center	39,644,743	(558,051)	39,086,692	363,219		45,509	408,728	39,495,420
Mental health - Supplemental fund		1,143,279	1,143,279	(1,143,279)			(1,143,279)	
Developmental disabilities services - Supplemental fund		181,609	181,609	(181,609)			(181,609)	
Total all funds	\$193,135,582	\$(8,487,745)	\$184,647,837	\$ 1,562,704	\$158,203	\$2,233,826	\$ 3,954,733	\$188,602,570
FTE Positions -								
Human service centers	823.75	(15.50)	808.25	0.00			0.00	808.25
FTE Positions -								
State Hospital	632.10	(16.80)	615.30	7.00	0.30		7.30	622.60
FTE Positions -								
Developmental Center	473.30	0.00	473.30				0.00	473.30
FTE Positions -								
Subdivision 4	1,929.15	(32.30)	1,896.85	7.00	0.30	0.00	7.30	1,904.15

SUBDIVISION 5 - COMPUTER DEVELOPMENT PROJECTS	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	TOTAL CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE RECOMMENDED AMOUNTS
Total all funds	\$ 0	\$ 32,263,866	\$ 32,263,866	\$ (25,447,057)	\$ 6,816,809
Less estimated income		19,263,866	19,263,866	(15,951,220)	3,312,646
Total general fund appropriation	\$ 0	\$ 13,000,000	\$ 13,000,000	\$ (9,495,837)	\$ 3,504,163
Grand total all funds	\$1,204,740,315	\$ (22,558,523)	\$1,182,181,792	\$ (12,546,604) ¹	\$1,169,635,188 ¹
Less estimated income	862,220,649	(12,909,675)	849,310,974	(14,423,350) ¹	834,887,624 ¹
Grand total general fund appropriation	\$ 342,519,666	\$ (9,648,848)	\$ 332,870,818	\$ 1,876,746	\$ 334,747,564

¹ Includes \$200,000 related to extending the appropriation from the lands and minerals trust fund for the Developmental Center included in Section 16.

The appropriation in subdivision 5 is for five development projects with total principal and interest commitments for the years 1997-2003 of approximately \$7,027,947, of which \$715,447 is projected interest payments.

In addition, this amendment makes the following changes:

Amends Section 5 to provide that transfers from human service centers require consultation with the regional human service center advisory boards.

Removes Sections 6 and 7 regarding the supplemental funds for mental health and developmental disabilities services.

Amends Section 8 to apply the program expectations to institutional services.

Amends Section 9 regarding full-time equivalent employees to provide for Budget Section and Legislative Council interim reports on the hiring of any additional full-time equivalent positions.

Removes Section 11 regarding employee bonuses.

Amends Section 12 to require Budget Section approval for the use of the welfare reform contingency line item.

Removes Section 13 regarding human service center advisory board authority.

Removes Section 14 regarding the director of regional human service centers being a nonclassified position.

Amends Section 16 to remove the reference limiting Alzheimer's and related dementia projects to 10 beds.

Amends Sections 18 and 19 to provide that the number of licensed beds may be adjusted by any reduction in beds before July 31, 1997, and the recognition of certificate of need projects approved by the State Health Council before July 31, 1995, and the recognition of contracts signed prior to June 1, 1997, for long-term care bed transfers.

Amends Section 22 regarding computer development projects and Section 23 regarding legislative intent for computer development to remove language regarding the limitation on the Department of Human Services making interest payments on computer development contracts. Names the five projects funded. Additional projects that may be funded if savings are realized include State Hospital (\$1,697,429), integrated case management (\$613,400), Developmental Center (\$120,000), MMIS feasibility (\$1,100,000), and various networking projects (\$704,060). Also repeals Section 15 of House Bill No. 1041 regarding computer development.

Amends Section 24 to allow the Department of Human Services to establish pilot projects for expanded long-term care case management.

Amends Section 26 to remove the requirements that developmental disabilities provider agencies report to the Department of Human Services regarding payment for direct contact staff.

Removes Section 28 repealing the Westwood Park Assets Management Committee.

Adds a new Section 10 amending the statutory reference to the Westwood Park Assets Management Committee.

Adds Section 16 continuing the appropriation for the capital improvements for the Developmental Center from the lands and minerals trust fund originally enacted by the 1991 Legislative Assembly (\$200,000).

Adds new Section 25 providing legislative intent for a pilot project for low-income parents providing services to developmentally disabled adult children, including the department applying for federal waivers and related Budget Section reports.

Adds new Section 28 requiring the Department of Human Services to report to the Budget Section regarding human service center, State Hospital, and Developmental Center block grant accountability.

Provides for Legislative Council studies of welfare reform implementation, of basic care rate equalization, and human service center block grants.

Provides legislative intent regarding the establishment of a traumatic brain injury program at the Developmental Center, and operating margins for basic care facilities.

Provides for Budget Section reports by the Department of Human Services regarding welfare fraud cost-effectiveness.

Engrossed HB 1012 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. ST. AUBYN MOVED that the conference committee report on Engrossed HB 1012 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1012, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide for the transfer of appropriations between agencies and institutions; to create and enact section 50-06-14.4 of the North Dakota Century Code, relating to projects involving services for the alzheimer's and related dementia population; to provide an exemption from section 54-44.1-11 and to authorize the sale of certain buildings on the grounds of the state hospital to the department of corrections and rehabilitation; to amend and reenact sections 25-04-20, 50-06-14.3, and 50-24.1-02.2 of the North Dakota Century Code, to amend and reenact the new section to chapter 23-09.3 as created by section 2 of chapter 254 of the 1995 Session Laws and the new section to chapter 23-16 to the North Dakota Century Code as created by section 3 of chapter 254 of the 1995 Session Laws, and to amend and reenact section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws and by section 9 of chapter 34 of the 1995 Session Laws, relating to the westwood park assets management committee, human service center directors, state basic care program, a moratorium on long-term care bed capacity, and community resource allowance; to repeal section 15 of House Bill No. 1041 as enacted by the fifty-fifth legislative assembly; to provide for a legislative council study and reports to the budget section; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogslund; Yockim

ABSENT AND NOT VOTING: Berg; Redlin

Engrossed HB 1012, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1018.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried on: HB 1012.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 1:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Holmberg presiding.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1013.

MOTION

SEN. G. NELSON MOVED that the Senate reconsider its action whereby the Senate refused to concur in the House amendments to Engrossed SB 2003, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. G. NELSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2003 as printed on SJ pages 932-942, which motion prevailed on a voice vote.

Engrossed SB 2003, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide a contingent appropriation; to authorize the industrial commission to issue and sell bonds for capital projects; to provide an appropriation; to amend and reenact sections 54-02-11 and 54-17.2-23 of the North Dakota Century Code, relating to the state art gallery and limitation on state building authority lease payments; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Bowman; Kelsh; Krauter; LaFountain; Mutch

ABSENT AND NOT VOTING: Berg; Redlin

Engrossed SB 2003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2016, SB 2019.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1013.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1012, HB 1018.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1012, HB 1018.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2003 and wishes to inform you that the Senate does now concur with the House amendments to SB 2003, subsequently passed the same, and the emergency clause carried.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has sustained the Governor's veto on SB 2316. The vote was 41 YEAS, 52 NAYS, 4 ABSENT AND NOT VOTING.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2016, SB 2019.

MOTION

SEN. GOETZ MOVED that the Senate stand at ease awaiting the arrival of HB 1015 from the House, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried on: HB 1015.

REPORT OF CONFERENCE COMMITTEE

HB 1015, as engrossed: Your conference committee (Sens. Goetz, G. Nelson, Robinson and Reps. Dorso, Dalrymple, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1409-1417, adopt amendments as follows, and place HB 1015 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1409-1417 of the House Journal and pages 1229-1237 of the Senate Journal and that Engrossed House Bill No. 1015 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide an appropriation for defraying the expenses of the department of human services and the state auditor; to provide for various transfers and financial transactions;"

Page 1, line 9, after the semicolon insert "to provide for legislative council studies of public employee health insurance benefits and telemedicine; to provide for a transfer from the budget stabilization fund to the Bank of North Dakota; to provide for transfers from the Bank of North Dakota to the state general fund; to provide for a transfer from the North Dakota mill and elevator association to the state general fund;"

Page 1, line 10, after "sections" insert "26.1-23.1-05," replace the second "and" with a comma, and after "54-27.2-02" insert ", and 54-40-01"

Page 1, line 11, after the first "to" insert "government self-insurance pool investments," replace "and to" with a comma, after the second "fund" insert "and the exercise of joint authority by North Dakota and South Dakota", and after the semicolon insert "to repeal section 5 of Senate Bill No. 2012 as approved by the 1997 legislative assembly, relating to street expenditures; to provide for application;"

Page 1, line 22, replace "3,405,558" with "3,366,327"

Page 1, line 24, replace "8,260,692" with "8,340,852"

Page 2, line 3, replace "843,818" with "1,094,360"

Page 2, line 4, replace "57,206,288" with "57,497,759"

Page 2, line 5, replace "41,996,220" with "42,246,762"

Page 2, line 6, replace "15,210,068" with "15,250,997"

Page 2, line 9, replace "44,897,969" with "45,326,741"

Page 2, line 10, replace "44,897,969" with "45,326,741"

Page 2, line 13, replace "4,601,858" with "4,638,793"

Page 2, line 14, replace "4,601,858" with "4,638,793"

Page 2, line 15, replace "4,247,641" with "4,240,786"

Page 2, line 16, replace "354,217" with "398,007"

Page 2, line 20, replace "1,750,927" with "1,741,249"

Page 2, line 22, replace "4,711,554" with "4,701,876"

Page 2, line 24, replace "4,124,944" with "4,115,266"

Page 2, line 25, remove "H.B. 1015" and replace "19,689,229" with "19,764,270"

Page 2, line 26, remove "H.B. 1015" and replace "91,728,440" with "92,900,899"

Page 2, line 27, remove "H.B. 1015" and replace "111,417,669" with "112,665,169"

Page 2, after line 27, insert:

"SECTION 2. DEPARTMENT OF HUMAN SERVICES PERFORMANCE AUDIT - APPROPRIATION. The department of human services shall include, in any plans submitted to implement the federal temporary assistance for needy families (TANF) program, a request for or for the use of federal funds to be used for a performance audit of the state's implementation of welfare reform. If the additional federal funds become available for this purpose, the department of human services shall contract with the state auditor for the completion of the performance audit. The state auditor may employ up to three additional auditors for this purpose or may contract with an independent audit firm for the completion of the performance audit. There is hereby appropriated to the department of human services up to \$250,000 of federal funds for the biennium beginning July 1, 1997, and ending June 30, 1999, to be used to contract with the state auditor for the completion of a performance audit. There is hereby appropriated to the state auditor's office up to \$250,000 of federal funds for the biennium beginning July 1, 1997, and ending June 30, 1999, to be received from the department of human services for the completion of a performance audit of the department."

Page 3, line 20, replace "of 1.5 percent" with "providing an average of three percent with a minimum of \$30 per month,"

Page 3, line 21, replace "another 1.5 percent" with "providing an average of three percent with a minimum of \$30 per month,"

Page 3, line 22, after the period insert "Any increases greater than \$30 per month must be based on merit and equity."

Page 3, remove lines 23 through 27

Page 4, line 1, remove "general" and replace "1.5 percent" with "\$30 per month"

Page 4, line 2, replace "1.5 percent" with "\$30 per month"

Page 4, line 20, replace "39,372,706" with "29,594,725"

Page 5, line 1, replace "county" with "and Divide counties"

Page 5, line 21, replace "\$5,000,000" with "\$2,100,000" and replace "excess equity investment in the North Dakota insurance reserve fund to" with "surplus"

Page 5, line 22, remove "the office of management and budget" and after "1997" insert ", and \$2,100,000 on July 1, 1998, to the office of management and budget."

Page 5, line 23, remove "in"

Page 5, line 24, remove the first "reserve" and replace "for claims pending before July 1, 1997" with ", except for contractual obligations pursuant to the terms of any memorandum of coverage issued by the North Dakota insurance reserve fund to a state agency"

Page 5, line 25, replace "\$5,000,000" with "\$4,200,000"

Page 5, line 26, after "fund" insert "and the contributions required from agencies or other governmental units not receiving a specific appropriation and boards and commissions"

Page 5, remove lines 27 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 27

Page 8, line 29, replace "\$550,000" with "\$150,000"

Page 9, after line 4, insert:

"SECTION 16. SALE OF HIGHWAY PATROL AIRPLANE. Notwithstanding any other provision of law, the North Dakota highway patrol may use within the limits of legislative appropriation the proceeds from the sale of one of its airplanes for the comprehensive public communications plan.

SECTION 17. LEGISLATIVE INTENT - STATE EMPLOYEE SALARY REPORT. It is the intent of the fifty-fifth legislative assembly that during the 1997-98 interim the office of management and budget report to an interim legislative council committee on state employee compensation issues. The report should focus on compression problems, market comparisons, and other compensation issues to include the effects of all benefits, including health insurance, on the employment relationship. The report is to include detailed information on the impact of salary compression and estimates of the dollar amount to correct salary compression problems. In addition, the office of management and budget is also to develop and present a plan to compensate state employees in a fair and adequate manner.

SECTION 18. LEGISLATIVE INTENT - STATE EMPLOYEE BENEFIT SALARY REPORT. It is the intent of the fifty-fifth legislative assembly that during the 1997-98 interim the office of management and budget and the public employees retirement system report to the legislative interim employee benefits programs committee on pension portability. The report should focus on issues of pension portability and how to balance the needs of long- and short-term employees within defined benefit or defined contribution plan concepts.

SECTION 19. LEGISLATIVE COUNCIL INTERIM STUDY OF PUBLIC EMPLOYEE HEALTH INSURANCE BENEFITS. The legislative council shall consider studying public employee health insurance benefits during the 1997-98 interim. If conducted, the study must include a comparison of the cost of participating in exclusive provider organizations and preferred provider organizations as compared to participating in the standard indemnity plan; the extent to which members of the uniform group insurance program are now participating in exclusive provider organizations and preferred provider organizations; the number of public employees who are unable to participate in a preferred provider organization or exclusive provider organization because of geographical considerations; an analysis of any cost savings if up to all participants exercise the exclusive provider organization or preferred provider organization option; and methods by which the public employees retirement system board could encourage members of the public employees retirement system uniform group insurance program to participate in exclusive provider organizations and preferred provider organizations. The study must include an analysis of general fund savings that may be realized if an additional copayment is required of all members not participating in an exclusive provider organization or preferred provider organization and an analysis of general fund savings that may be realized if members of the uniform group insurance program were permitted to participate in health maintenance organizations where such organizations are available. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly.

SECTION 20. LEGISLATIVE COUNCIL STUDY OF TELEMEDICINE. The legislative council shall consider studying, during the 1997-98 interim, the utilization of telemedicine in this and other states, and the desirability of adopting any amendments to the professional licensing laws and other laws that will facilitate the development of telemedicine while preserving the quality of health care. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly.

SECTION 21. BUDGET STABILIZATION FUND TRANSFER TO BANK OF NORTH DAKOTA. The director of the office of management and budget shall transfer any amounts in or to be transferred as of July 1, 1997, to the budget stabilization fund, to the Bank of North Dakota. Any amount transferred to the Bank shall become a part of the Bank's undivided profits.

SECTION 22. BANK OF NORTH DAKOTA TRANSFERS TO STATE GENERAL FUND. During the biennium ending June 30, 1999, the industrial commission shall transfer to the state general fund up to \$29,600,000 from the current earnings of the Bank of North Dakota. The moneys shall be transferred in amounts and at such times as requested by the director of the office of management and budget.

No transfers may be made which would reduce the Bank's capital structure below \$100,000,000.

SECTION 23. CONTINGENT BANK OF NORTH DAKOTA TRANSFERS TO STATE GENERAL FUND. If, during the biennium ending June 30, 1999, the director of the office of management and budget determines via revised projections that general fund revenue collections will not meet the revenues as forecast in the March 1997 legislative forecast, then the industrial commission shall transfer to the state general fund an additional amount, as determined by the director of the office of management and budget and as approved by the budget section, from the earnings and accumulated and undivided profits of the Bank of North Dakota. The moneys must be transferred in amounts and at such times as requested by the director of the office of management and budget. The additional amount transferred may not exceed the lesser of \$23,000,000 or the revenue shortfall of actual collections compared to the March 1997 legislative forecast.

No transfers may be made which would reduce the Bank's capital structure below \$100,000,000.

SECTION 24. LEGISLATIVE INTENT - ADDITIONAL STATE AGENCY TURNBACK. It is the intent of the fifty-fifth legislative assembly that the 1995-97 and 1997-99 biennium revenue forecasts as adopted by the budget section on March 12, 1997, be adjusted to include additional funds resulting from unspent 1995-97 appropriation authority of \$1,700,000 as follows: department of human services \$1,500,000; health department \$100,000; and department of economic development and finance \$100,000.

SECTION 25. UNIVERSITY SYSTEM SALARY INITIATIVE. Funding of \$3,200,000 appropriated for the university system salary initiative in the salaries and wages line item in subdivision 1 of section 1 of Senate Bill No. 2003, as approved by the fifty-fifth legislative assembly, must be used by the North Dakota university system for the benefit of the institutions and entities under the jurisdiction of the North Dakota university system, including its institutions of higher learning, the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, and the entities of the North Dakota agricultural experiment station.

SECTION 26. HIGHER EDUCATION INTERNAL SERVICE FUND TRANSFERS - BUDGET SECTION APPROVAL. All institutions under the authority of the board of higher education must receive approval from the budget section to expend or transfer amounts greater than \$50,000 from the accumulated moneys in internal service funds except for (1) mandatory transfers for servicing related debt; and (2) routine operating expenditures associated with the funds.

SECTION 27. TRANSFER. In addition to the \$2,000,000 transfer provided for in section 9 of Senate Bill No. 2015, as passed by the fifty-fifth legislative assembly, the industrial commission shall transfer to the general fund in the state treasury the sum of \$1,000,000 from the North Dakota mill and elevator association. The moneys must be transferred in amounts and at such times as requested by the director of the office of management and budget during the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 28. TRIBAL COMMUNITY COLLEGE IVN GRANTS - VIRTUAL UNIVERSITY. The state board of higher education shall use the moneys appropriated in the tribal community college IVN grants line item in subdivision 2 of section 1 of Senate Bill No. 2003, as passed by the fifty-fifth legislative assembly, for a grant for the western governors' association virtual university project.

SECTION 29. LEGISLATIVE INTENT - ADDITIONAL OIL AND GAS PRODUCTION TAX REVENUE. It is the intent of the fifty-fifth legislative assembly that the 1997-99 biennium revenue forecast as adopted by the budget section on March 12, 1997, be adjusted to include additional oil and gas production tax revenues of \$1,416,730.

SECTION 30. AMENDMENT. Section 26.1-23.1-05 of the North Dakota Century Code is amended and reenacted as follows:

26.1-23.1-05. Investment of assets - Subsidiary insurance company coverage. A government self-insurance pool may only invest its funds and accumulations in those investments described in ~~section~~ sections 26.1-05-19 and 26.1-10-02. If a government self-insurance pool investment is made under section 26.1-10-02, a resulting subsidiary insurance company may not write insurance coverage for:

1. North Dakota governmental entities which competes with coverage offered by the fire and tornado fund under chapter 26.1-22 as that chapter existed on December 31, 1988;
2. Individuals;
3. For-profit organizations;
4. Nonprofit hospitals, clinics, nursing homes, churches, fraternal organizations, or organizations not performing quasi-governmental functions; or
5. Agricultural business cooperatives."

Page 9, line 15, replace "self-insurance" with "self-retention"

Page 9, line 16, remove "supplemental"

Page 10, after line 8, insert:

"SECTION 33. AMENDMENT. Section 54-40-01 of the North Dakota Century Code is amended and reenacted as follows:

54-40-01. Agreement - Exercise of joint powers - Bonds.

1. Two or more governmental units or municipal corporations having in common any portion of their territory or boundary, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise their respective separate powers, or any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised for the purpose of acquiring, constructing, and maintaining any building for their joint use. The term "governmental unit" as used in this section includes and means every city, county, town, park district, school district, states and United States governments and departments of each thereof, and all other political subdivisions even though not specifically named or referred to herein.
2. Two or more counties or cities, or any combination of counties or cities, whether or not they have in common any portion of their territory or boundary, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise their respective separate powers, or any power common to the contracting parties or any similar powers, for the purpose of acquiring equipment or constructing roads, bridges, and road and bridge improvements.
3. An agency, department, or institution of this state may enter an agreement with the state of South Dakota to form a bistate authority to jointly exercise any function that the entity is authorized by law to perform. Any agreement entered under this subsection must be submitted to the legislative assembly or, if the legislative assembly is not in session, to the legislative council or a committee designated by the legislative council for approval or rejection and may not become effective until approved by the legislative assembly or the legislative council.
4. Counties or cities, or any combination of counties or cities, may jointly issue bonds in the same manner and for the purposes provided for in chapter 21-03.

SECTION 34. REPEAL. Section 5 of Senate Bill No. 2012 as approved by the 1997 Legislative Assembly is repealed.

SECTION 35. APPLICATION. North Dakota Century Code sections 54-16-04 and 54-44.1-11 do not apply to chapter 1 of the 1995 Session Laws."

Page 10, line 9, replace "16" with "32"

Page 10, line 11, replace "16" with "32"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE EVENTS COORDINATOR	ADD LOSS CONTROL ANALYSTS	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Administration	\$ 3,405,558	\$(39,231)			\$(39,231)	\$ 3,366,327	\$ 3,366,327	
Fiscal management	4,066,236					4,066,236	4,066,236	
Facility Management	8,260,692					8,340,852	8,421,012	
Central Personnel	1,126,728		\$80,160		80,160	1,126,728	1,126,728	\$ (80,160)
Intergovernmental	39,503,256					39,503,256	39,503,256	
Assistance								
Risk management	<u>843,818</u>			\$250,542	<u>250,542</u>	<u>1,094,360</u>	<u>1,094,360</u>	
Total all funds	\$57,206,288	\$(39,231)	\$80,160	\$250,542	\$291,471	\$57,497,759	\$57,577,919	\$ (80,160)
Less estimated income	<u>41,996,220</u>			<u>250,542</u>	<u>250,542</u>	<u>42,246,762</u>	<u>42,246,762</u>	
General fund	\$15,210,068	\$(39,231)	\$80,160	\$ 0	\$ 40,929	\$15,250,997	\$15,331,157	\$ (80,160)
FTE	117.60		1.00	2.00	3.00	120.60	121.60	(1.00)
Salaries and wages	\$ 8,962,035					\$ 9,232,737	\$ 9,312,897	\$ (80,160)
Operating expenses	8,368,188	\$(39,231)	\$80,160	\$190,542	\$270,702	8,388,957	8,388,957	
Equipment	506,215			60,000	20,769	506,215	506,215	
Grants	37,934,000					37,934,000	37,934,000	
Capital improvements	<u>1,435,850</u>					<u>1,435,850</u>	<u>1,435,850</u>	
Total all funds	\$57,206,288	\$(39,231)	\$80,160	\$250,542	\$291,471	\$57,497,759	\$57,577,919	\$ (80,160)
Less estimated income	<u>41,996,220</u>			<u>250,542</u>	<u>250,542</u>	<u>42,246,762</u>	<u>42,246,762</u>	
General fund	\$15,210,068	\$(39,231)	\$80,160	\$ 0	\$ 40,929	\$15,250,997	\$15,331,157	\$ (80,160)

This amendment also:

Appropriates up to \$250,000 to the Department of Human Services and the State Auditor's office for federal funds to be received by the Department of Human Services and paid to the State Auditor's office for the completion of a performance audit of the state's implementation of welfare reform.

Changes the section relating to state employee salary increases to provide average increases of three percent, with a minimum of \$30 per month, with any increases greater than \$30 per month based on merit and equity.

Reduces the transfer from the state aid distribution fund to the general fund by \$9,777,981, from \$39,372,706 to \$29,594,725 to reflect the changes made in House Bill No. 1019.

Reduces the transfer from the North Dakota insurance reserve fund from \$5,000,000 to \$4,200,000.

Adds a section allowing the Highway Patrol to sell an airplane and use the proceeds for the comprehensive public communications plan study.

Adds legislative intent that during the 1997-98 interim, the Office of Management and Budget provide periodic reports on state employee compensation issues to an interim committee of the Legislative Council.

Adds a section of intent relating to reports by the Office of Management and Budget and Public Employees Retirement System to the Employee Benefits Programs Committee on pension portability.

Adds a section providing for a Legislative Council study of public employee health insurance benefits.

Adds a section providing for a Legislative Council study of telemedicine.

Reduces the transfer from the Information Services Division operating fund to the general fund by \$400,000, from \$550,000 to \$150,000.

Adds a section providing that any balance in or amounts to be transferred to the budget stabilization fund on July 1, 1997, be transferred to the Bank of North Dakota and added to the Bank's undivided profits. Based on the April 10, 1997, legislative budget status report, it is anticipated that the balance to be transferred from the budget stabilization fund to the Bank will be approximately \$7,535,709.

Adds a section authorizing the director of the Office of Management and Budget to direct the Industrial Commission to transfer up to \$29,600,000 from the Bank of North Dakota to the general fund. The section provides that no transfers may be made which would reduce the Bank's capital below \$100,000,000.

Adds a section authorizing the director of the Office of Management and Budget to direct the Industrial Commission to transfer additional funds from the Bank of North Dakota to the general fund if actual 1997-99 revenues are less than projected. The additional transfers may be made up to the lesser of \$23,000,000 or the amount of the revenue shortfall.

Adds a section of legislative intent relating to state agency unspent 1995-97 appropriation authority. The section recognizes an additional \$1,700,000 of unspent appropriation authority, bringing the total to \$14,537,032.

Adds a section providing that the \$3,200,000 higher education salary initiative be used for all entities under the control of the Board of Higher Education, including the higher education institutions, NDSU Extension Service, Transportation Institute, Northern Crops Institute, and the Agricultural Experiment Station.

Adds a section requiring higher education institutions report to the Budget Section on expenditures or transfers greater than \$50,000 from funds in internal service funds unless the transfer or expenditure was a routine use of the fund.

Adds a section to provide an additional \$1 million transfer from the North Dakota Mill and Elevator Association, for a total transfer, including the transfer provided in Senate Bill No. 2015, of \$3 million.

Adds a section to provide that the appropriation for tribal community college IVN grants in Senate Bill No. 2003 be used for a grant for the Western Governors' Association's Virtual University project.

Adds a section of legislative intent relating to additional oil and gas production tax revenues. The section recognizes additional revenues of \$1,416,730, bringing the total oil and gas production tax revenues to \$35,313,730.

Amends North Dakota Century Code Section 26.1-23.1-05 relating to government self-insurance pool investments.

Amends North Dakota Century Code Section 54-40-01 relating to the exercise of joint powers by North Dakota and South Dakota.

Repeals Section 5 of Senate Bill No. 2012 as approved by the 1997 Legislative Assembly relating to the widening of Schafer Street.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE PLANNING FUNCTIONS	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Information resource management	\$44,897,969	\$ (44,199)	\$472,971	\$428,772	\$45,326,741	\$45,326,741	
Total all funds	\$44,897,969	\$ (44,199)	\$472,971	\$428,772	\$45,326,741	\$45,326,741	\$ 0
Less estimated income	44,897,969	(44,199)	472,971	428,772	45,326,741	45,326,741	
General fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
FTE	155.00		4.00	4.00	159.00	159.00	0.0
Salaries and wages	\$13,520,881		\$442,611	\$442,611	\$13,963,492	\$13,963,492	
Operating expenses	27,502,088	\$ (44,199)	20,360	(23,839)	27,478,249	27,478,249	
Equipment	3,875,000		10,000	10,000	3,885,000	3,885,000	
Total all funds	\$44,897,969	\$ (44,199)	\$472,971	\$428,772	\$45,326,741	\$45,326,741	\$ 0
Less estimated income	44,897,969	(44,199)	472,971	428,772	45,326,741	45,326,741	
General fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

DEPARTMENT 118 - CENTRAL SERVICES

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE FUNDING FOR INFORMATION TECHNOLOGY SYSTEM	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Central services	\$4,646,858	<u>\$ (8,065)</u>	<u>\$45,000</u>	\$36,935	<u>\$4,638,793</u>	<u>\$4,638,793</u>	
Total all funds	\$4,646,858	<u>\$ (8,065)</u>	<u>\$45,000</u>	\$36,935	<u>\$4,638,793</u>	<u>\$4,638,793</u>	\$ 0
Less estimated income	<u>4,247,641</u>	<u>(6,855)</u>		<u>(6,855)</u>	<u>4,240,786</u>	<u>4,240,786</u>	
General fund	\$ 354,217	\$ (1,210)	\$45,000	\$43,790	\$ 398,007	\$ 398,007	\$ 0
FTE	27.00			0.00	27.00	27.00	0.00
Salaries and wages	\$1,790,989				\$1,790,989	\$1,790,989	
Operating expenses	<u>2,758,369</u>	<u>\$ (8,065)</u>	<u>\$22,500</u>	\$14,435	<u>2,772,804</u>	<u>2,772,804</u>	
Equipment	<u>52,500</u>		<u>22,500</u>	<u>22,500</u>	<u>75,000</u>	<u>75,000</u>	
Total all funds	\$4,601,858	<u>\$ (8,065)</u>	<u>\$45,000</u>	\$36,935	<u>\$4,638,793</u>	<u>\$4,638,793</u>	\$ 0
Less estimated income	<u>4,247,641</u>	<u>(6,855)</u>		<u>(6,855)</u>	<u>4,240,786</u>	<u>4,240,786</u>	
General fund	\$ 354,217	\$ (1,210)	\$45,000	\$43,790	\$ 398,007	\$ 398,007	\$ 0

DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

CONFERENCE COMMITTEE - This amendment reduces the operating expenses line item by \$9,678 from the general fund for risk management premiums. The amendment also adds Divide County to the counties authorized to join State Radio 911 services.

Engrossed HB 1015 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. GOETZ MOVED that the conference committee report on Engrossed HB 1015 be adopted.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1015, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1015, the roll was called and there were 29 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Berg; Redlin

The conference committee report on Engrossed HB 1015, as amended, was adopted.

Engrossed HB 1015, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an appropriation for defraying the expenses of the department of human services and the state auditor; to provide for various transfers and financial transactions; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide a statement of legislative intent relating to state employee compensation adjustments; to authorize transfer of various special funds to the general fund; to provide for mobile data terminals; to provide directives relating to 911 telephone services; to provide for program reductions if federal programs are terminated or reduced; to provide for a transfer from the North Dakota insurance reserve fund to the office of management and budget; to provide for a transfer from the information services division operating fund to the state general fund; to provide for legislative council studies of public employee health insurance benefits and telemedicine; to provide for a transfer from the budget stabilization fund to the Bank of North Dakota; to provide for transfers from the Bank of North Dakota to the state general fund; to provide for a transfer from the North Dakota mill and elevator association to the state general fund; to amend and reenact sections 26.1-23.1-05, 32-12.2-06, 54-27.2-02, and 54-40-01 of the North Dakota Century Code, relating to government self-insurance pool investments, the state risk management fund, the budget stabilization fund and the exercise of joint authority by North Dakota and South Dakota; to repeal section 5 of Senate Bill No. 2012 as approved by the 1997 legislative assembly, relating to street expenditures; to provide for application; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Sand;

Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: Bowman; DeMers; Kelsh; LaFountain; Nelson, C.; Wogsland

ABSENT AND NOT VOTING: Berg; Redlin

Engrossed HB 1015, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried on: HB 1015.

MOTION

SEN. GOETZ MOVED that the President appoint a committee of three to notify the House that the Senate has completed its business and is about to adjourn, which motion prevailed.

THE PRESIDENT APPOINTED as such committee: Sens. Cook, Fischer, and DeMers.

MOTION

SEN. GOETZ MOVED that the President appoint a committee of three to notify the Governor that the Senate has completed its business and is about to adjourn, which motion prevailed.

THE PRESIDENT APPOINTED as such committee: Sens. Lee, Klein, and O'Connell.

ANNOUNCEMENT

SEN. G. NELSON ANNOUNCED that a committee of three had arrived from the House. The committee of three announced that the House had completed its business and was ready to adjourn sine die.

REQUEST

SEN. COOK ANNOUNCED that the committee appointed to inform the House that the Senate has completed its business and is about to adjourn has completed its task and requests that the committee be discharged, which request was granted.

REQUEST

SEN. LEE ANNOUNCED that the committee appointed to inform the Governor that the Senate has completed its business and is about to adjourn has completed its task and requests that the committee be discharged, which request was granted.

MOTION

SEN. G. NELSON MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that the Senate be on the Fourth, Twelfth, Fifteenth, and Sixteenth orders of business, and on the completion of those orders, the Senate adjourn sine die, subject to the provisions of North Dakota Century Code Section 54-03-02, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1226.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1226.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2003.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2003.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:00 p.m., April 11, 1997: SB 2002, SB 2016, SB 2017, SB 2019, SB 2043, SB 2214, SB 2396.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 4:15 p.m., April 11, 1997: SB 2003.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 4:20 p.m., April 11, 1997: SB 2029.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed the veto certification and your signature is respectfully requested on: HB 1026.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed the veto certification on HB 1026.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1015.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1015.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed the veto certification on SB 2316.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed the veto certification on SB 2316.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 11, 1997, I signed the following: SB 2004, SB 2018, SB 2047, SB 2064, SB 2194, and SB 2324.

Pursuant to Senator G. Nelson's motion, the Senate adjourned sine die.

William C. Parker, Secretary