

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, April 13, 2001

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Nething.

The roll was called and all members were present.

A quorum was declared by the President.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 12, 2001, I have signed the following: SB 2114, SB 2117, SB 2121, SB 2144, SB 2223, SB 2359, SB 2370, SB 2371, SB 2420, SB 2443, SB 2444, and SB 2446.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2023, SB 2041, and SB 2042 be placed at the top of the calendar, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2023 as printed on SJ pages 1324-1325 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2023: Sens. Grindberg, Thane, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to SB 2041 as printed on SJ page 1325 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2041: Sens. Flakoll, Wanzek, Christenson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2042 as printed on SJ page 1326 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2042: Sens. Flakoll, Wanzek, Kelsh.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2104 as printed on SJ page 1327 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2104, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2104:** A BILL for an Act to amend and reenact sections 4-09-03, 4-09-13, 4-09-14.4, 4-09-16, 4-09-17, 4-09-17.1, and 4-09-18 of the North Dakota Century Code, relating to state seed commission membership and seed labeling.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2104 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2106 as printed on SJ pages 1327-1328 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2106, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2106:** A BILL for an Act to amend and reenact sections 15-40.3-01, 15-40.3-06, and 15-40.3-07 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-31-01, 15.1-31-06, and 15.1-31-07 of the North Dakota Century Code, relating to open enrollment between school districts.

#### 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, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Cook; Kelsh; Kroepflin; Mathern, T.; Nelson, C.; O'Connell

Reengrossed SB 2106 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. LYSON MOVED** that the conference committee report on Engrossed SB 2220 as printed on SJ page 1328 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2220, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2220:** A BILL for an Act to amend and reenact subsection 2 of section 27-20-49 of the North Dakota Century Code, relating to costs and expenses of transporting juveniles for medical care and treatment.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2220 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. URLACHER MOVED** that the conference committee report on SB 2419 as printed on SJ pages 1328-1329 be adopted, which motion prevailed on a voice vote.

SB 2419, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2419:** A BILL for an Act to amend and reenact section 4-35-09.1 of the North Dakota Century Code, relating to proof of financial responsibility for commercial pesticide applicators; and to provide for a legislative council study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2419 passed and the title was agreed to.

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**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 13, 2001: SB 2005, SB 2006, SB 2010, SB 2014, SB 2018, SB 2090, SB 2097, SB 2102, SB 2113, SB 2116, SB 2150, SB 2162, SB 2187, SB 2194, SB 2197, SB 2224, SB 2226, SB 2264, SB 2297, SB 2300.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2023, SB 2041, and SB 2042 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2023:** Sens. Grindberg; Thane; Heitkamp  
**SB 2041:** Sens. Flakoll; Wanzek; Christenson  
**SB 2042:** Sens. Flakoll; Wanzek; Kelsh

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2104, SB 2106, SB 2220, SB 2419.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SCR 4052.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SCR 4050, SCR 4051.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2054.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: SB 2008, SB 2449, and SB 2455.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee reports on SB 2427 and SB 2287.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee reports on SB 2001 and SB 2007.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1196.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: HB 1024, HB 1283, HB 1385, HB 1451, and HB 1468.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1200:** Reps. Timm; Nicholas; Warner

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Dalrymple presiding.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Watne, Chairman)** has carefully examined the Journal of the Sixty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1328, line 35, replace "**SENATE ACCEDE to**" with "**HOUSE RECEDE from**"

**SEN. WATNE MOVED** that the report be adopted, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1196 be moved to the top of the Seventh order, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1196, as reengrossed:** Your conference committee (Sens. Fischer, Solberg, Polovitz and Reps. Devlin, Delzer, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1329-1334, adopt amendments as follows, and place HB 1196 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1329-1334 of the House Journal and pages 1177-1182 of the Senate Journal and that Reengrossed House Bill No. 1196 be amended as follows:

Page 1, line 1, after "Act" insert "to provide for a long-term care nursing scholarship and loan repayment grant program;" and remove "and a new chapter"

Page 1, line 2, remove "to title 43"

Page 1, line 3, remove "and the nursing facility nurses student loan payment program"

Page 1, line 9, remove "to provide for a transfer from the health"

Page 1, line 10, remove "care trust fund;"

Page 1, line 11, remove the second "to provide an"

Page 1, line 12, remove "expiration date;"

Page 4, replace lines 4 through 31 with:

**"SECTION 8. Long-term care nursing scholarship and loan repayment grant program.**

1. The state health council, in cooperation with the North Dakota long term care association, shall administer the long-term care nursing scholarship and loan repayment grant program. The purpose of the program is to provide matching funds to nursing facilities for the facilities to use in recruiting and retaining nurses by providing scholarships to nursing facility staff and other individuals to obtain a nursing education and by assisting in the repayment of student loans for licensed nurses employed in a nursing facility. The state health council shall adopt rules necessary to administer the program, including rules establishing criteria regarding eligibility for and distribution of program grants.
2. An applicant for a program grant shall establish that the applicant:
  - a. Is a licensed nursing facility;

- b. Has available matching funds equal to the amount of the grant request; and
  - c. Meets the eligibility criteria established by rule.
3. An eligible applicant may receive a program grant not exceeding five thousand five hundred dollars in the first year of the biennium. Any funds appropriated by the legislative assembly for the grant program which are remaining after the first year of the biennium may be distributed to eligible applicants in the second year of the biennium in any amount determined by the state health council.

**SECTION 9. AMENDMENT.** Section 23-09.3-01.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09.3-01.1. Moratorium on expansion of basic care bed capacity.**

- 1. Except when existing beds are converted for use by a nursing facility that converts licensed nursing facility bed capacity to basic care bed capacity or the alzheimer's and related dementia population under the pilot projects provided for in established under section 50-06-14.4 requests licensure of the facility's existing beds as basic care bed capacity, or unless the applicant demonstrates to the department and to the department of human services that a need for additional basic care bed capacity exists, the department may not issue a license under this chapter for any additional bed capacity above the state's gross licensed capacity of one thousand four hundred seventy-one beds, adjusted by any reduction in beds before July 31, 4999 2001, during the period between August 1, 4999 2001, and July 31, 2004 2003.
- 2. Transfers of existing beds from one municipality to another municipality must be approved if the licensing requirements are met, during the period August 1, 4999 2001, to July 31, 2004 2003, 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. Existing licensed beds released by a facility which are not immediately and transferred to another facility may not be banked for future transfer to another facility must become licensed within twenty-four months of transfer.
- 3. Transfer of existing beds from one municipality to a tribal reservation during the period August 1, 2001, to July 31, 2003, may occur only to the extent that the facility transferring beds reduces the facility's licensed capacity by an amount equal to twice the number of beds transferred. A tribal facility may seek to participate, within twenty-four months of any transfer of beds, in the basic care assistance program. Basic care assistance payments may only be made to a tribal facility that agrees to participate and adhere to all federal and state requirements of the basic care assistance program including participation, screening, ratesetting, and licensing requirements.
- 4. Not more than once in a twelve-month period, a nursing facility may convert licensed nursing facility bed capacity to basic care bed capacity or may convert basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to licensed nursing facility bed capacity. At least ninety days before the conversion, the facility shall notify the state department of the facility's intent to convert bed capacity. The converted beds must be located in the same block of rooms within the facility.

**SECTION 10. AMENDMENT.** Section 23-16-01.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-16-01.1. Moratorium on expansion of long-term care bed capacity.**

- 1. Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4 or when a nursing facility converts basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to nursing facility bed capacity, the state department of health may not issue a license for any additional bed capacity above the state's gross licensed capacity of seven thousand one

hundred forty beds, adjusted by any reduction in beds before July 31, ~~1999~~ 2001, during the period between August 1, ~~1999~~ 2001, and July 31, ~~2004~~ 2003.

2. 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, ~~1999~~ 2001, to July 31, ~~2004~~ 2003, 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. Existing licensed beds released by a facility ~~which are not immediately~~ and transferred to another facility may not be banked for future transfer to another facility must become licensed within twenty-four months of transfer.
3. Transfer of existing beds from one municipality to a tribal reservation during the period August 1, 2001, to July 31, 2003, may occur only to the extent that the facility transferring beds reduces the facility's licensed capacity by an amount equal to twice the number of beds transferred. A tribal facility may seek to participate, within twenty-four months of any transfer of beds, in the medical assistance program. Medical assistance payments may only be made to a medicaid-certified tribal facility that agrees to participate and adhere to all federal and state requirements of the medical assistance program including participation, screening, ratesetting, and licensing requirements.
4. Not more than once in a twelve-month period, a nursing facility may convert licensed nursing facility bed capacity to basic care bed capacity or may convert basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to licensed nursing facility bed capacity. At least ninety days before the conversion, the facility shall notify the state department of health of the facility's intent to convert bed capacity. The converted beds must be located in the same block of rooms within the facility."

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 18

Page 7, line 9, overstrike "governmental" and insert immediately thereafter "government"

Page 8, line 21, overstrike "'Assisted living facility" has the meaning provided in section 50-24.5-01, but if the"

Page 8, overstrike lines 22 through 30

Page 9, overstrike lines 1 through 12

Page 9, line 13, remove "2."

Page 9, line 22, replace "3" with "2"

Page 9, line 23, replace "4" with "3"

Page 9, line 25, replace "5" with "4"

Page 11, line 10, overstrike "The department's share of the total"

Page 11, line 11, overstrike "cost of" and insert immediately thereafter "An approved loan for", remove "project", and overstrike "is limited to" and insert immediately thereafter "project may not exceed"

Page 14, line 5, after "government" insert "nursing"

Page 14, line 16, replace "\$8,899,774" with "\$12,000,000"

Page 14, line 19, replace "\$3,920,000 relates to" with ", up to \$4,960,000 may be used for"

Page 14, line 23, replace "\$4,100,000" with "\$4,000,000"

Page 14, line 26, replace "\$10,000" with "\$15,000 per bed to a nursing facility that reduces all of its licensed bed capacity, up to \$12,000"

- Page 14, line 27, after "to" insert "a", replace "facilities" with "facility", and replace "reduce" with "reduces its"
- Page 14, line 28, replace "\$2,500" with "\$8,000", after the second "to" insert "a", replace "facilities" with "facility", and replace "reduce" with "reduces its"
- Page 14, line 29, after the period insert "An incentive may not be paid for nursing facility bed capacity that is temporarily converted to basic care bed capacity. The department shall establish rules that allow nursing facilities to make offers to reduce licensed nursing facility bed capacity on a quarterly basis beginning July 1, 2001. To be eligible for an incentive, a nursing facility's offer to reduce bed capacity must be received by the department of human services by the first day of the quarter for which incentives will be approved. Within thirty days of the beginning of the quarter, the department shall inform the facility making an offer of the department's approval or disapproval of the offer. The department shall give priority for incentives to a facility that offers to reduce the entire licensed bed capacity. If offers for reducing bed capacity exceed the department's allocation of funds for incentives for the quarter, a facility that does not have its offer approved may submit the offer for consideration in a subsequent quarter."
- Page 15, line 7, after the period insert "A nursing facility may not use any moneys received under this section for the purpose of providing the facility's matching share for a long-term care nursing scholarship and loan repayment grant."
- Page 15, line 24, after "**FACILITY**" insert "**AND INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED**"
- Page 15, line 25, replace "\$266,400" with "\$309,600"
- Page 15, line 26, replace "\$621,600" with "\$708,000"
- Page 15, line 28, after "home" insert "and intermediate care for the mentally retarded"
- Page 16, line 8, after "needs" insert "and the nursing facility payment system"
- Page 16, line 10, after "assessment" insert "and nursing facility payment system"
- Page 16, line 11, after the period insert "The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."
- Page 16, line 15, after "assessment" insert "and nursing facility payment system"
- Page 16, line 16, replace "biennium" with "period", replace "July 1, 2001," with "with the effective date of this Act", and replace "June 30" with "January 1"
- Page 16, remove lines 17 through 19
- Page 16, line 20, replace "**NURSING**" with "**LONG-TERM CARE NURSING SCHOLARSHIP AND LOAN REPAYMENT GRANT PROGRAM**"
- Page 16, remove line 21
- Page 16, line 22, remove "**AUTHORITY - EMERGENCY COMMISSION APPROVAL**"
- Page 16, line 23, replace "nursing facility nurses student loan payment" with "health care trust"
- Page 16, line 24, replace "\$200,000" with "\$489,500"
- Page 16, line 25, replace "nursing facility nurses student loan" with "long-term care nursing scholarship and loan repayment program grants"
- Page 16, line 26, remove "payments" and remove "The state"
- Page 16, remove lines 27 through 30
- Page 17, line 23, replace "\$150,000" with "\$250,000"
- Page 19, remove lines 1 and 2
- Page 19, line 3, replace "34" with "30, 33", replace "40" with "39", and replace "41" with "40"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1196 - Summary of Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
State Department of Health						
Total all funds	\$0	\$200,000	\$289,500	\$489,500	\$489,500	\$0
Less estimated income		<u>200,000</u>	<u>289,500</u>	<u>489,500</u>	<u>489,500</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Department of Human Services - Management						
Total all funds	\$0	\$8,055,347	\$0	\$8,055,347	\$8,055,347	\$0
Less estimated income		<u>8,055,347</u>		<u>8,055,347</u>	<u>8,055,347</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Department of Human Services - Economic Assistance						
Total all funds	\$0	\$84,721,181	\$3,129,826	\$87,851,007	\$90,462,530	(\$2,611,523)
Less estimated income		<u>73,071,181</u>	<u>3,129,826</u>	<u>76,201,007</u>	<u>78,812,530</u>	<u>(2,611,523)</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000	\$11,650,000	\$0
Department of Human Services - Program and Policy						
Total all funds	\$0	\$7,148,302	\$100,000	\$7,248,302	\$7,248,302	\$0
Less estimated income		<u>7,148,302</u>	<u>100,000</u>	<u>7,248,302</u>	<u>7,248,302</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Bill Total						
Total all funds	\$0	\$100,124,830	\$3,519,326	\$103,644,156	\$106,255,679	(\$2,611,523)
Less estimated income		<u>88,474,830</u>	<u>3,519,326</u>	<u>91,994,156</u>	<u>94,605,679</u>	<u>(2,611,523)</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000	\$11,650,000	\$0

**House Bill No. 1196 - State Department of Health - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Grants			\$489,500	\$489,500	\$489,500	
Nursing facility nurses student loan payment		\$200,000	(200,000)			
Total all funds	\$0	\$200,000	\$289,500	\$489,500	\$489,500	\$0
Less estimated income		<u>200,000</u>	<u>289,500</u>	<u>489,500</u>	<u>489,500</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Dept. 301 - State Department of Health - Detail of Conference Committee Changes**

	CHANGE LOAN PAYMENT PROGRAM <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Grants	\$489,500	\$489,500
Nursing facility nurses student loan payment	(200,000)	(200,000)
Total all funds	\$289,500	\$289,500
Less estimated income	<u>289,500</u>	<u>289,500</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> The nursing facility nurses student loan payment program is changed to the long-term care nursing scholarship and loan repayment program. The program is changed from the state paying an eligible nursing facility nurse's student loan payment directly to the financial institution as proposed by the House to providing a grant of up to \$5,500 to an eligible nursing facility during the first year of the biennium for the facility to use for providing scholarships to nursing staff or others to obtain a nursing education or for assisting nurses employed by the facility to repay their nursing student loans. Each nursing facility must provide an equal amount as matching. If appropriation authority remains available for the second year of the biennium, the State Health Council may provide additional matching grants to nursing facilities for the same purpose. (Section 8)

This amendment provides a \$489,500 appropriation from the health care trust fund for this program, the same as the Senate version, rather than transferring \$1,000,000 from the health care trust fund to a nursing facility nurses student loan payment fund and providing a \$200,000 appropriation from that fund as included in the House version. (Section 31)

**House Bill No. 1196 - Department of Human Services - Management - Conference Committee Action**

The Conference Committee did not change the House and Senate version for funding for the Health Insurance Portability and Accountability Act and other technology-related projects. (Section 33)

### House Bill No. 1196 - Department of Human Services - Economic Assistance - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Government nursing facility funding pool payments		\$38,750,000		\$38,750,000	\$38,750,000	
Intergovernmental transfer administration		71,158		71,158	71,158	
Nursing facility grants		100,226		100,226	100,226	
Nursing facility loans		8,899,774	\$3,100,226	12,000,000	13,000,000	(1,000,000)
Long-term care needs assessment		241,006		241,006	241,006	
Nursing home bed reduction incentive		4,100,000	(100,000)	4,000,000	4,000,000	
Nursing facility employee compensation		27,296,847		27,296,847	27,296,847	
Basic care employee compensation		673,600		673,600	673,600	
Nursing facility rate limit increase		2,272,820		2,272,820	3,884,343	(1,611,523)
Nursing facility personal care allowance		888,000	129,600	1,017,600	1,017,600	
Basic care personal care allowance		180,000		180,000	180,000	
Qualified service provider training grants		140,000		140,000	140,000	
Targeted case management		<u>1,107,750</u>		<u>1,107,750</u>	<u>1,107,750</u>	
Total all funds	\$0	\$84,721,181	\$3,129,826	\$87,851,007	\$90,462,530	(\$2,611,523)
Less estimated income		<u>73,071,181</u>	<u>3,129,826</u>	<u>76,201,007</u>	<u>78,812,530</u>	<u>(2,611,523)</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000	\$11,650,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

### Dept. 327 - Department of Human Services - Economic Assistance - Detail of Conference Committee Changes

	INCREASE LOAN FUNDING <sup>1</sup>	REDUCE BED REDUCTION INCENTIVE FUNDING <sup>2</sup>	ALLOWANCE INCREASE FOR ICF/MR <sup>3</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Government nursing facility funding pool payments				
Intergovernmental transfer administration				
Nursing facility grants				
Nursing facility loans	\$3,100,226			\$3,100,226
Long-term care needs assessment				
Nursing home bed reduction incentive		(\$100,000)		(100,000)
Nursing facility employee compensation				
Basic care employee compensation				
Nursing facility rate limit increase				
Nursing facility personal care allowance			\$129,600	129,600
Basic care personal care allowance				
Qualified service provider training grants				
Targeted case management				
Total all funds	\$3,100,226	(\$100,000)	\$129,600	\$3,129,826
Less estimated income	<u>3,100,226</u>	<u>(100,000)</u>	<u>129,600</u>	<u>3,129,826</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> The funding provided for loans is increased to \$12,000,000 from the health care trust fund, \$3,100,226 more than the House version and \$1,000,000 less than the Senate version. (Section 22)

<sup>2</sup> Funding for the nursing home bed reduction incentive program is reduced by \$100,000 from the health care trust fund, the same as the Senate version. (Section 23)

The maximum incentive payment a facility may receive for each bed reduced is:

- \$15,000 per bed if a facility eliminates its entire licensed bed capacity.
- \$12,000 per bed if a facility reduces at least eight beds.
- \$8,000 per bed if a facility reduces fewer than eight beds.

Under the Senate version, the maximum incentive allowed was \$15,000 per bed. Under the House version, a facility reducing at least eight beds would have received an incentive of \$10,000 per bed, and a facility reducing fewer than eight beds would have received an incentive of \$2,500 per bed.

Provisions are added providing that the department:

- May not pay an incentive to a nursing facility that is temporarily converting nursing facility bed capacity to basic care bed capacity.
- Shall allow for nursing facilities to make offers to reduce bed capacity each quarter.
- Shall give priority for incentives to facilities that reduce their entire licensed bed capacity.
- Shall inform a nursing facility within thirty days of the beginning of each quarter regarding the department's approval or disapproval of the facility's offer to reduce beds.

Provisions are added providing that:

- To be eligible for an incentive in a particular quarter, a nursing facility's bid to reduce bed capacity must be received by the Department of Human Services by the first day of the quarter for which the incentives will be approved.
- A nursing facility may resubmit a bid that was not approved in one quarter in a subsequent quarter.

<sup>3</sup> Additional funding of \$43,200 is provided from the health care trust fund and \$86,400 of federal funds is provided to increase the personal care allowance for individuals residing in intermediate care facilities for the mentally retarded from \$40 to \$50 per month, the same as the Senate version. (Section 27)

Provisions are added that:

- Preclude nursing facilities from using moneys received for compensation enhancements (Section 24) for matching long-term care nursing scholarship and loan repayment grants. (Section 8)
- Remove the definition of "assisted living facility" from NDCC Chapter 50-30. (Section 12)
- Expand the long-term care needs assessment study to include the nursing facility payment system and allow the study to begin prior to the 2001-03 biennium. (Section 30)

Sections 9 and 10 of the bill relating to the moratoriums on the expansion of long-term care and basic care bed capacity are changed to reflect the provisions of Senate Bill No. 2098 which has passed both the House and Senate.

Funding is included to rebase nursing facility limits to 1999, the same as the House version. (Section 26) The Senate had added \$1,611,523, which included \$483,457 from the health care trust fund to rebase to 2000.

**House Bill No. 1196 - Department of Human Services - Program and Policy - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Service payments for elderly and disabled		\$6,898,302		\$6,898,302	\$6,898,302	
Senior citizen mill levy match		150,000	\$100,000	250,000	250,000	
Independent living center grants		100,000		100,000	100,000	
Total all funds	\$0	\$7,148,302	\$100,000	\$7,248,302	\$7,248,302	\$0
Less estimated income		<u>7,148,302</u>	<u>100,000</u>	<u>7,248,302</u>	<u>7,248,302</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Dept. 328 - Department of Human Services - Program and Policy - Detail of Conference Committee Changes**

	INCREASE SENIOR MILL MATCH FUNDING <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Service payments for elderly and disabled		
Senior citizen mill levy match	\$100,000	\$100,000
Independent living center grants		
Total all funds	\$100,000	\$100,000
Less estimated income	<u>100,000</u>	<u>100,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> Funding for the senior citizen mill levy match is increased by \$100,000, the same as the Senate version. (Section 35)

Reengrossed HB 1196 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. FISCHER MOVED** that the conference committee report on Reengrossed HB 1196 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1196, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1196:** A BILL for an Act to provide for a long-term care nursing scholarship and loan repayment grant program; to create and enact a new subsection to section 21-10-06 of the North Dakota Century Code, relating to funds under the management of the state investment board; to amend and reenact sections 6-09.16-01, 6-09.16-02, 6-09.16-03, 6-09.16-04, 6-09.16-05, 6-09.16-06, 23-09.3-01.1, 23-16-01.1, 50-24.4-30, 50-30-01, 50-30-02, and 50-30-04 of the North Dakota Century Code, relating to the nursing facility alternative loan fund, the moratorium on the expansion of basic care bed capacity, the moratorium on the expansion of long-term care bed capacity, the government nursing facility funding pool, and nursing facility loans; to provide for a transfer from the nursing facility alternative grant fund; to provide a statement of legislative intent; to provide for a legislative council study; to provide an appropriation; to provide a continuing appropriation; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed HB 1196, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2013, as engrossed:** Your conference committee (Sens. Bowman, Schobinger, Tallackson and Reps. Carlisle, Koppelman, Huether) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1074 and place SB 2013 on the Seventh order.

Engrossed SB 2013 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. BOWMAN MOVED** that the conference committee report on Engrossed SB 2013 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2013, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2013 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2244:** Your conference committee (Sens. Kilzer, Krebsbach, T. Mathern and Reps. Grosz, Kretschmar, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1004, adopt amendments as follows, and place SB 2244 on the Seventh order:

That the House recede from its amendments as printed on page 1004 of the Senate Journal and page 1079 of the House Journal and that Senate Bill No. 2244 be amended as follows:

Page 1, after line 18, insert:

- "5. a. The boards of county commissioners of two or more counties may agree by resolution to elect a multicounty jurisdiction state's attorney pursuant to chapter 11-10.3. An agreement made between two or more counties according to this subsection must specify procedures for filing for office, the use of a single canvassing board, the sharing of election personnel, the printing of election materials, the publishing of legal notices, and the apportioning of election expenses. A candidate for election to the office of multicounty jurisdiction state's attorney must be a qualified elector of the multicounty jurisdiction at the time of the election; or
- b. The boards of county commissioners of two or more counties may agree by resolution to allow any candidate for the office of state's attorney to petition for office in each county, and to serve if elected, if the candidate is a qualified elector of one of the counties at the time of the election. To be elected to serve a county in which the candidate is not a resident, the candidate must receive the highest number of votes for the office in that county. Each county shall certify the results and issue certificates of election pursuant to chapter 16.1-15."

Renumber accordingly

SB 2244 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KILZER MOVED** that the conference committee report on SB 2244 be adopted, which motion prevailed on a voice vote.

SB 2244, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2244:** A BILL for an Act to amend and reenact section 11-10-04 of the North Dakota Century Code, relating to the residence of candidates for election to a county office.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2244 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2308, as reengrossed:** Your conference committee (Sens. Lee, Erbele, Polovitz and Reps. Devlin, F. Klein, Cleary) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 967-968, adopt further amendments as follows, and place SB 2308 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 967 and 968 of the Senate Journal and page 894 of the House Journal and that Reengrossed Senate Bill No. 2308 be further amended as follows:

Page 1, line 1, replace "section 53-06.1-18" with "the new section to chapter 50-06" and after "Code" insert "as created by section 2 of House Bill No. 1089, as approved by the fifty-seventh legislative assembly"

Page 1, replace lines 5 through 24 with:

**"SECTION 1. AMENDMENT.** The new section to chapter 50-06 of the North Dakota Century Code as created by section 2 of House Bill No. 1089, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

**Compulsive gambling prevention, awareness, crisis intervention, rehabilitation, and treatment services.** The department of human services shall contract with qualified treatment service providers for the development and implementation of a program for gambling prevention, awareness, crisis intervention, rehabilitation, financial counseling, and mental health treatment services. The program may provide outpatient services, partial care services, aftercare services, intervention services, financial counseling services, consultation services, or other form of preventive, rehabilitative, or treatment services for compulsive gamblers. An individual who provides treatment services must ~~meet the minimum standards for certification as a gambling counselor as established by the national council on problem gambling and~~ be a mental health professional as defined in section 25-03.1-02 and meet the minimum standards for certification as a gambling counselor as established by rule by that mental health professional's licensing board. An individual who provides financial counseling services must be a certified consumer credit counselor with an accredited financial counseling agency. The department of human services may establish a sliding payment scale for services under the program. The department of human services may establish a centrally located repository of educational materials on identifying and treating compulsive gambling. Any service fee collected by qualified treatment service providers for services provided under the contract must be applied toward the program's compulsive gambling services. The term "qualified treatment service provider" means an entity based in North Dakota which is experienced in and capable of delivering compulsive gambling education, prevention, awareness, crisis intervention, rehabilitation, financial counseling, and mental health treatment services as defined by the department of human services. The term "compulsive gambler" means an individual who is chronically and progressively preoccupied with gambling and the urge to gamble and with gambling behavior that compromises, disrupts, or damages personal, family, or vocational pursuits."

Page 2, line 5, after the first comma insert "of which \$1,000 may be designated for per diem and travel expenses for in-state professional boards to gather information and set certification standards,"

Renumber accordingly

Reengrossed SB 2308 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LEE MOVED** that the conference committee report on Reengrossed SB 2308 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2308, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2308:** A BILL for an Act to amend and reenact the new section to chapter 50-06 of the North Dakota Century Code as created by section 2 of House Bill No. 1089, as approved by the fifty-seventh legislative assembly, relating to compulsive gambling prevention, awareness, crisis intervention, rehabilitation, and treatment services; and to provide an appropriation.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.;

Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2308 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1024, as reengrossed:** Your conference committee (Sens. Bowman, Solberg, Tomac and Reps. Wald, Boehm, Aarsvold) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1167-1169, adopt amendments as follows, and place HB 1024 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1167-1169 of the House Journal and pages 1010-1012 of the Senate Journal and that Reengrossed House Bill No. 1024 be amended as follows:

Page 1, line 2, replace "amend and reenact section 3 of chapter 548 of the 1999 Session" with "authorize and provide an appropriation for additional full-time equivalent positions for the workers compensation bureau; to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to the creation of a building maintenance account; and to amend and reenact sections 65-02-03.2 and 65-05.1-06.2 of the North Dakota Century Code, relating to workers compensation board members and workers' compensation vocational rehabilitation services"

Page 1, remove line 3

Page 1, line 4, remove "and to provide for retroactive application"

Page 1, remove lines 11 through 14

Page 1, line 16, replace "**AMENDMENT.** Section 3 of chapter 548 of the 1999 Session Laws is" with "**NORTH DAKOTA WORKERS COMPENSATION BUREAU FULL-TIME EQUIVALENT EMPLOYEE POSITIONS AUTHORIZATION - APPROPRIATION - REPORT TO BUDGET SECTION.** The North Dakota workers compensation board of directors may authorize the workers compensation bureau to hire, upon a determination that employees are needed to facilitate the economic and efficient administration of the bureau, up to ten full-time equivalent employee positions in addition to the full-time equivalent employee positions authorized in section 1 of this Act for the biennium beginning July 1, 2001, and ending June 30, 2003. There is appropriated out of any moneys in the workers' compensation fund, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the workers compensation bureau for the purpose of providing wages, salaries, and benefits for any additional full-time equivalent positions authorized under this section. The workers compensation board of directors shall report to the budget section of the legislative council on any additional full-time equivalent employee positions and related funding authorized.

**SECTION 3. PROJECT AUTHORIZATION.** The industrial commission, acting as the North Dakota building authority, may, at the request of the workers compensation board of directors, arrange for funding of an office building project authorized by this section, declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 2001, and ending June 30, 2003. The proceeds of the evidences of indebtedness and other available funds are appropriated during the period beginning July 1, 2001, and ending July 31, 2003, for a workers compensation bureau office building.

The industrial commission may issue evidences of indebtedness in the principal amount requested plus costs of issuance, capitalized interest, and any reasonable required reserves under this section with the condition that lease rental payments need not begin until July 1, 2003. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 2003, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

**SECTION 4. BOND ISSUANCE REPAYMENT RESPONSIBILITY.** Funding must be made available by the workers compensation bureau from non-general fund sources to be appropriated to the industrial commission to retire the evidences of indebtedness issued for the project costs associated with the construction of the project authorized by this Act.

**SECTION 5. LEGISLATIVE INTENT - WORKERS COMPENSATION BUREAU BUILDING - OTHER STATE AGENCIES LEASING.** It is the intent of the legislative assembly that if a new facility is built to house the operations of the workers compensation bureau that the facility be built to include rental space for other state agencies and that the workers compensation bureau work with the office of management and budget to identify which agencies will lease space in the workers compensation bureau building and report to the budget section of the legislative council on plans for leasing to other agencies. The bureau shall have exclusive responsibility for setting and collecting rental amounts and for the maintenance and control of the building and its grounds.

**SECTION 6.** A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

**Building maintenance account - Continuing appropriation.** There is a building maintenance account within the workers' compensation fund, to which the workers compensation bureau shall deposit all building rental proceeds if the workers compensation bureau builds a building that includes rental space for other state entities. The moneys in the account are appropriated on a continuing basis to the workers compensation bureau to pay bond principal and interest payments, operating, maintenance, repair, and payments in lieu of taxes expenses of the building and grounds. This account may be used only for the purposes identified in this section. The workers compensation bureau may either hire or contract for building maintenance and repair services anticipated by this section. The bureau shall report to the budget section of the legislative council on a biennial basis on all revenues deposited into this account and expenditures made from the account.

**SECTION 7. AMENDMENT.** Section 65-02-03.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**65-02-03.2. Compensation of board members.** A board member is entitled to receive compensation ~~in the amount of sixty two dollars and fifty cents per day as determined by the board~~ for days spent in attendance at board meetings or other business as approved by the board. A board member is entitled to reimbursement for mileage and expenses as provided for state officers.

**SECTION 8. AMENDMENT.** Section 65-05.1-06.2 of the North Dakota Century Code is amended and reenacted as follows:

**65-05.1-06.2. ~~Bids Contract for vocational rehabilitation services.~~** ~~The bureau shall solicit bids from~~ may contract with vocational rehabilitation vendors to provide vocational rehabilitation services relative to vocational rehabilitation of claimants. The bureau shall contract with the lowest and best bidders to provide these services on a biennial basis. The bureau shall determine the criteria that render a vocational rehabilitation vendor qualified. ~~The request for bids must contain a detailed outline of services each vendor will be expected to provide. The accepted bid is binding upon both the bureau and the rehabilitation vendor.~~ If additional services are determined to be necessary as a result of failed or inappropriate rehabilitation of an injured employee through no fault of the employee, the bureau may contract with the vendor for additional services. If the failure or inappropriateness of the rehabilitation of the injured employee is due to the vendor's failure to provide the necessary services to fulfill the contract, the bureau is not obligated to use that vendor for additional services on that claim and the bureau may refuse payment for a service that the vendor failed to perform which was a material requirement of the contract."

Page 1, remove lines 17 through 24

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1024 - Workers Compensation Bureau - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$17,854,134	\$20,348,251	(\$20,348,251)			
Operating expenses	7,373,732	8,114,732	(8,114,732)			
Equipment	1,354,057	1,418,357	(1,418,357)			

Safety partnership grants	630,000	1,260,000	(1,260,000)	\$31,641,340	\$45,641,340	(\$14,000,000)
Workers Compensation Bureau			31,641,340			
Total all funds	\$27,211,923	\$31,141,340	\$500,000	\$31,641,340	\$45,641,340	(\$14,000,000)
Less estimated income	<u>27,211,923</u>	<u>31,141,340</u>	<u>500,000</u>	<u>31,641,340</u>	<u>45,641,340</u>	<u>(14,000,000)</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	191.00	218.00	0.00	218.00	218.00	0.00

#### Dept. 485 - Workers Compensation Bureau - Detail of Conference Committee Changes

	CONSOLIDATE FUNDING INTO ONE LINE ITEM	PROVIDE FUNDING FOR ADDITIONAL FULL-TIME EQUIVALENT POSITIONS <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$20,348,251)		(\$20,348,251)
Operating expenses	(8,114,732)		(8,114,732)
Equipment	(1,418,357)		(1,418,357)
Safety partnership grants	(1,260,000)		(1,260,000)
Workers Compensation Bureau	<u>31,141,340</u>	\$500,000	<u>31,641,340</u>
Total all funds	\$0	\$500,000	\$500,000
Less estimated income		<u>500,000</u>	<u>500,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment adds a section that authorized the Workers Compensation Board of Directors to allow the Workers Compensation Bureau to hire upon a determination that positions are needed to facilitate the economic and efficient administration of the bureau up to 10 FTE positions in addition to the FTE positions authorized by the 2001 Legislative Assembly and provides a special funds appropriation of \$500,000 for salaries, wages, and benefits for any additional FTE positions hired under this section. (This section was added by the Senate.)

This amendment also:

- Adds a section that allows the Industrial Commission at the request of the Workers Compensation Bureau to issue and sell bonds for the purchase of land and the construction of a new facility to house bureau operations.
- Adds a section of legislative intent that if a new facility is built to house the operations of the Workers Compensation Bureau, the facility be built to include rental space for other state agencies.
- Creates a new section to the North Dakota Century Code (NDCC) that establishes a building maintenance account in the workers' compensation fund to be used for deposit of all rental proceeds and for payment of all building operation, maintenance, and financing costs.
- Amends NDCC Section 65-02-03.2 to allow the Workers Compensation Board of Directors to set compensation for board members.
- Amends NDCC Section 65-05.1-06.2 to allow the Workers Compensation Bureau to contract for vocational rehabilitation services.

Reengrossed HB 1024 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. BOWMAN MOVED** that the conference committee report on Reengrossed HB 1024 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1024, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1024:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau; to authorize and provide an appropriation for additional full-time equivalent positions for the workers compensation bureau; to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to the creation of a building maintenance account; and to amend and reenact sections 65-02-03.2 and 65-05.1-06.2 of the North Dakota Century Code, relating to workers compensation board members and workers' compensation vocational rehabilitation services.

#### 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, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mutch; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Kelsh; Kroeplin; Mathern, D.; Mathern, T.; Nelson, C.; O'Connell

Reengrossed HB 1024, as amended, passed and the title was agreed to.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2013, SB 2244, SB 2308.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1024.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1196.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, April 16, 2001, which motion prevailed.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 13, 2001, I have signed the following: SB 2034, SB 2082, SB 2118, SB 2201, SB 2265, and SB 2365.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1283, as engrossed:** Your conference committee (Sens. Cook, Flakoll, O'Connell and Reps. Brusegaard, Meier, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1000-1001 and place HB 1283 on the Seventh order.

Engrossed HB 1283 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1385, as engrossed:** Your conference committee (Sens. Kilzer, Lee, Polovitz and Reps. Weisz, Galvin, Sandvig) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1099, adopt further amendments as follows, and place HB 1385 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1099 of the House Journal and pages 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1385 be further amended as follows:

Page 1, line 15, after "problems" insert "and both parents or the legal guardian have agreed to the child's voluntary placement or, if there is a parental disagreement, there is a judicial determination by the juvenile court that placement is in the best interests of the child"

ReNUMBER accordingly

Engrossed HB 1385 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1451, as engrossed:** Your conference committee (Sens. Wardner, Kilzer, C. Nelson and Reps. Grande, Kingsbury, Eckre) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1121, adopt further amendments as follows, and place HB 1451 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1121 of the House Journal and page 952 of the Senate Journal and that Engrossed House Bill No. 1451 be further amended as follows:

Page 1, line 5, after the period insert:

"1."

Page 1, after line 9, insert:

- "2. An agency may amend or repeal a rule without complying with the other requirements of this chapter relating to adoption of administrative rules and may resubmit the change to the legislative council for publication provided:
  - a. The agency initiates the request to the administrative rules committee for consideration of the amendment or repeal;
  - b. The agency provides notice to the regulated community, in a manner reasonably calculated to provide notice to those persons interested in the rule, of the time and place the administrative rules committee will consider the request for amendment or repeal of the rule; and
  - c. The agency and the administrative rules committee agree the rule amendment or repeal eliminates a provision that is obsolete or no longer in compliance with law and that no detriment would result to the substantive rights of the regulated community from the amendment or repeal."

Renumber accordingly

Engrossed HB 1451 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1468:** Your conference committee (Sens. Tollefson, Traynor, Kelsh and Reps. Porter, Weiler, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1169-1170, adopt amendments as follows, and place HB 1468 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1169 and 1170 of the House Journal and page 838 of the Senate Journal and that Engrossed House Bill No. 1468 be amended as follows:

Page 1, line 1, replace "a" with "two" and replace "subsection" with "subsections"

Page 1, line 11, replace "fourteen" with "fifteen", replace "two" with "three", and replace "seven" with "five"

Page 1, line 12, after the underscored period insert "The nonresident all season small game license entitles the nonresident to hunt small game for the entire season."

Page 2, line 20, replace "A" with "Two" and replace "subsection" with "subsections"

Page 2, line 21, replace "is" with "are"

Page 2, after line 23, insert:

"For a nonresident all season small game hunting license, two hundred fifty dollars."

Renumber accordingly

HB 1468 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator Christmann's motion.

**WILLIAM R. HORTON, Secretary**