

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, April 5, 2001

The House convened at 8:30 a.m., with Speaker Bernstein presiding.

The prayer was offered by Rep. Phillip Mueller, District 24.

The roll was called and all members were present except Representatives Fairfield, Huether, Mahoney, and Renner.

A quorum was declared by the Speaker.

**SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR  
SCR 4049:** A concurrent resolution directing the Legislative Council to study limiting actions for lead-based paint claims.

The question being on the final adoption of the resolution, which has been read.

SCR 4049 passed on a voice vote, and the title was agreed to.

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## MOTION

**REP. BELTER MOVED** that HB 1385 be placed at the bottom of the calendar, which motion prevailed.

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. PORTER MOVED** that the conference committee report on Engrossed HB 1462 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1462, as amended, was placed on the Eleventh order.

## SECOND READING OF HOUSE BILL

**HB 1462:** A BILL for an Act to amend and reenact section 43-17-41 of the North Dakota Century Code, relating to the duty to report injuries.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Lloyd; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Berg; Cleary; Froelich; Johnson, N.; Koppelman; Svedjan; Winrich

**ABSENT AND NOT VOTING:** Fairfield; Huether; Mahoney; Renner

Engrossed HB 1462 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. NICHOLAS MOVED** that the House do concur in the Senate amendments to Engrossed HB 1249 as printed on HJ pages 1258-1259, which motion prevailed on a voice vote.

Engrossed HB 1249, as amended, was placed on the Eleventh order of business.

### SECOND READING OF HOUSE BILL

**HB 1249:** A BILL for an Act to provide an appropriation to the state board of animal health for the purpose of defraying the expenses associated with the control of Johnne's disease in North Dakota.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Byerly

**ABSENT AND NOT VOTING:** Fairfield; Huether; Mahoney; Renner

Engrossed HB 1249 passed and the title was agreed to.

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### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. NICHOLAS MOVED** that the conference committee report on Engrossed HB 1349 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1349, as amended, was placed on the Eleventh order.

### SECOND READING OF HOUSE RESOLUTION

**HB 1349:** A BILL for an Act to amend and reenact section 4-37-02 of the North Dakota Century Code, relating to the agriculture in the classroom council; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, L.; Thorpe; Tieman; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Bellew; Berg; Byerly; Carlson; Delzer; Drovdal; Grande; Kasper; Keiser; Ruby; Thoreson, B.; Timm; Wald

**ABSENT AND NOT VOTING:** Fairfield; Huether; Renner

Engrossed HB 1349 passed and the title was agreed to.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2177: Reps. Haas, Hawken, Mueller.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2328: Reps. Herbel, Renner, Kroeber.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2345: Reps. Nottestad, F. Klein, Hanson.

**MOTION**

**REP. BELTER MOVED** that the House stand in recess until 12:30 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Bernstein presiding.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Fifty Eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1272, line 6, after 100I add ", adopt amendments as follows, and place HB 1457 on the Seventh order

page 1272 after line 14 insert "HB 1457 was placed on the Seventh order of business on the calendar."

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2354, as engrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2354 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriation" insert "; and to provide an expiration date"

Page 1, line 18, replace "the" with "a performance-based"

Page 1, line 19, after "contract" insert "that is based on live birth, adoption, and abortion statistical outcomes"

Page 1, line 20, after "providers" insert "and providing reports to the department regarding outcomes of the service providers' activities. The prime contractor may be reimbursed up to fifteen percent of the total contract for administration"

Page 2, line 1, replace "funds" with "up to fifteen percent of the appropriation" and replace the comma with "and may expend funds to"

Page 2, line 2, remove the comma

Page 2, line 18, remove ", other than minor remodeling,"

Page 2, replace lines 30 and 31 with:

"11. The contractor may not exclude or show preferential referrals to a service provider based upon the service provider's contraceptive and abstinence programs."

Page 3, remove lines 1 and 2

Page 3, line 3, remove "religious character of the"

Page 3, line 5, replace "department" with "prime contractor"

Page 3, line 8, replace "Eligible" with "The service provider shall provide eligible"

Page 3, line 9, remove "must be provided with" and replace "section" with "subsection"

Page 3, line 10, after the period insert "A religious organization may not discriminate against an eligible individual in regard to alternatives-to-abortion services on the basis of religion, a religious belief, or refusal to actively participate in a religious practice."

14."

Page 3, line 14, replace "14" with "15"

Page 3, line 16, replace "15" with "16"

Page 3, after line 18, insert:

"17. The department shall contract with a nonprofit private entity for the establishment and operation of a statewide, toll-free telephone referral service through which a person seeking services to assist a woman through pregnancy, childbirth, or adoption is referred to an appropriate service agency. The toll-free telephone referral service must refer to all appropriate agencies in a specific geographical area and may not refer a person to any agency that provides abortion counseling or referral services or advocates for, or performs abortions."

Page 3, line 21, replace "\$200,000" with "\$250,000"

Page 3, line 23, after "program" insert "and a toll-free referral system"

Page 3, after line 24, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

#### **MOTION**

**REP. BELTER MOVED** that SB 2354 be laid over one legislative day, which motion prevailed.

#### **SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to SB 2004 SB 2011, SB 2016, and SB 2202 be adopted, which motion prevailed.

SB 2004 SB 2011, SB 2016, and SB 2202, as amended, were placed on the Fourteenth order of business on the calendar.

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

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1385 be adopted as printed on HJ page 1099, which motion failed.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a new Conference Committee on HB 1385: Reps. Weisz, Galvin, Sandvig.

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

**HB 1416, as engrossed:** Your conference committee (Sens. Watne, Lyson, Traynor and Reps. Kretschmar, Grande, Mahoney) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page and place HB 1416 on the Seventh order.

Page 1, line 2, after "chance" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 7, replace "fifty-one" with "fifty-three"

Page 1, after line 14, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2001.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1416 was placed on the Seventh order of business on the calendar.

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

**REP. KRETSCHMAR MOVED** that the conference committee report on Engrossed HB 1416 be adopted, which motion failed, on a verification vote.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do concur in the Senate amendments to Engrossed HB 1010 as printed on HJ pages 1222-1224, which motion prevailed on a voice vote.

Engrossed HB 1010, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to employees exempt from the state classified service; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Weisz; Wentz; Wikenheiser; Speaker Bernstein

**NAYS:** Aarsvold; Brusegaard; Delzer; Guleson; Hanson; Klein, F.; Kroeber; Lemieux; Lloyd; Niemeier; Solberg; Warner; Weiler; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Boucher; Fairfield; Huether

Engrossed HB 1010 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do concur in the Senate amendments to Engrossed HB 1019 as printed on HJ pages 1224-1225, which motion prevailed on a voice vote.

Engrossed HB 1019, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the state game and fish department.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan;

Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Kasper; Lemieux

**ABSENT AND NOT VOTING:** Boucher; Fairfield; Huether

Engrossed HB 1019 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do concur in the Senate amendments to Engrossed HB 1026 as printed on HJ pages 1249-1250, which motion prevailed on a voice vote.

Engrossed HB 1026, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1026:** A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Clark; Drovdal; Klein, F.

**ABSENT AND NOT VOTING:** Boucher; Fairfield; Huether

Engrossed HB 1026 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1208 as printed on HJ page 1289, which motion prevailed on a voice vote.

Engrossed HB 1208, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1208:** A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code, relating to DNA testing; to provide an effective date; and to provide an expiration date.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson;

Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Boucher; Huether; Nicholas

Engrossed HB 1208 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1472 as printed on HJ pages 1290-1291, which motion prevailed on a voice vote.

Engrossed HB 1472, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1472:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance for breast and cervical cancer; to provide an appropriation; and to provide an expiration date.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froeth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Boucher; Huether; Nicholas

Engrossed HB 1472 passed and the title was agreed to.

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#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on HB 1005: Reps. Byerly, B. Thoreson, Glassheim.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on HB 1006: Reps. Skarphol, Byerly, Huether.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on HB 1009: Reps. Skarphol, B. Thoreson, Huether.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on HB 1460: Reps. Brandenburg, Drovdal, S. Kelsh.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2001: Reps. Byerly, Skarphol, Glassheim.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2002: Reps. Carlisle, Koppelman, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2008: Reps. Carlisle, B. Thoreson, Glassheim.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2220: Reps. Koppelman, Delzer, Kerzman.

**SECOND READING OF SENATE BILL**

**SB 2016:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide for line item transfers; to provide legislative intent; to provide for legislative council studies; to create and enact a new section to chapter 54-23.3 and a new subsection to section 54-23.4-06 of the North Dakota Century Code, relating to the establishment of new programs by the director of the department of corrections and rehabilitation and crime victims compensation; and to amend and reenact section 12-59-02 and subsection 1 of section 54-23.4-12 of the North Dakota Century Code, relating to compensation of parole board members and subrogation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Mahoney; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Cleary; Disrud; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleon; Gunter; Hanson; Herbel; Hunsakor; Jensen; Keiser; Kelsh, S.; Kerzman; Kroeber; Lemieux; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Boucher; Huether

Engrossed SB 2016 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2202:** A BILL for an Act to amend and reenact section 15-34.1-01 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-20-01 of the North Dakota Century Code, relating to the compulsory attendance of students.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 0 YEAS, 96 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Boucher; Huether

Engrossed SB 2202 lost.



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**SECOND READING OF SENATE BILL**

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact subdivision b of subsection 1 of section 14-02.1-02.1 and section 23-01-05 of the North Dakota Century Code, relating to information regarding fetal development and to the qualifications of the state health officer; and to provide statements of legislative intent.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Fairfield; Gulleon; Onstad; Thorpe; Warner

**ABSENT AND NOT VOTING:** Boucher; Huether

Engrossed SB 2004 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2011:** A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide a statement of legislative intent.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Jensen; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Maragos; Martinson; Meier; Monson; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Gulleon; Hunskor; Keiser; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Nelson; Niemeier; Onstad; Schmidt; Solberg; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Boucher; Huether

Engrossed SB 2011 passed and the title was agreed to.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1002, HB 1014, HB 1065, HB 1182, HB 1210, HB 1215, HB 1226, HB 1318, HB 1363, HB 1398, HB 1467, HCR 3015, HCR 3016, HCR 3035, HCR 3042.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: HB 1002, HB 1014, HB 1065, HB 1182, HB 1210, HB 1215, HB 1226, HB 1318, HB 1363, HB 1398, HB 1467, HCR 3015, HCR 3016, HCR 3035, HCR 3042.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2027, SB 2045, SB 2053, SB 2058, SB 2105, SB 2120, SB 2127, SB 2135, SB 2142, SB 2173, SB 2182, SB 2192, SB 2195, SB 2205, SB 2208, SB 2210, SB 2246, SB 2257, SB 2273, SB 2281, SB 2289, SB 2299, SB 2307, SB 2309, SB 2318, SB 2386, SB 2407.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: SB 2027, SB 2045, SB 2053, SB 2058, SB 2105, SB 2120, SB 2127, SB 2135, SB 2142, SB 2173, SB 2182, SB 2192, SB 2195, SB 2205, SB 2208, SB 2210, SB 2246, SB 2257, SB 2273, SB 2281, SB 2289, SB 2299, SB 2307, SB 2309, SB 2318, SB 2386, SB 2407.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1004, HB 1015, HB 1023, HB 1200, HB 1328.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1004**

Page 1, line 10, replace "5,855,615" with "5,802,615"

Page 1, line 11, replace "745,320" with "775,320"

Page 1, line 13, replace "6,679,905" with "6,656,905"

Page 1, line 15, replace "4,534,068" with "4,511,068"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1004 - State Auditor - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,716,616	\$5,855,615	(\$53,000)	\$5,802,615
Operating expenses	775,320	745,320	30,000	775,320
Equipment	<u>78,970</u>	<u>78,970</u>		<u>78,970</u>
Total all funds	\$6,570,906	\$6,679,905	(\$23,000)	\$6,656,905
Less estimated income	<u>2,145,837</u>	<u>2,145,837</u>		<u>2,145,837</u>
General fund	\$4,425,069	\$4,534,068	(\$23,000)	\$4,511,068
FTE	53.00	55.00	(1.00)	54.00

**Dept. 117 - State Auditor - Detail of Senate Changes**

	REMOVE FTE POSITION ADDED BY HOUSE <sup>1</sup>	ADD FUNDING FOR ADDITIONAL SALARY ADJUSTMENTS <sup>2</sup>	RESTORE FUNDING FOR OPERATING EXPENSES <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$70,000)	\$17,000		(\$53,000)
Operating expenses			\$30,000	30,000
Equipment				
Total all funds	(\$70,000)	\$17,000	\$30,000	(\$23,000)
Less estimated income				
General fund	(\$70,000)	\$17,000	\$30,000	(\$23,000)
FTE	(1.00)	0.00	0.00	(1.00)

<sup>1</sup> This amendment removes one FTE auditor I position added by the House for the agency's state audit division. The agency unfunded two FTE auditor I positions in the base budget request for the 2001-03 biennium; the positions were deleted in the Schafer and Hoeven budget recommendations.

<sup>2</sup> The Schafer and Hoeven budget recommendations included \$35,000 for salary adjustments, in addition to the executive budget compensation package, to increase entry-level auditor salaries to assist in reducing agency turnover. The Senate version increases funding for this purpose by \$17,000, to provide a total of \$52,000.

<sup>3</sup> The House reduced funding for operating expenses by \$30,000 to partially offset the cost of the two FTE positions added by the House. The Senate amendment restores the \$30,000 for operating expenses.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015**

Page 1, line 6, remove the second "and"

Page 1, line 7, after "assessment" insert "; to provide a conditional exemption for state property from special assessments for flood control in a city that has received state financial assistance for flood control projects; and to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to new building construction cost-benefit analyses"

Page 1, line 17, replace "14,057,270" with "11,918,846"

Page 1, line 18, replace "12,330,726" with "9,651,346"

Page 1, line 19, replace "239,500" with "166,000"

Page 1, line 21, replace "34,692,934" with "274,000"

Page 1, line 22, replace "5,400,000" with "5,000,000"

Page 1, line 23, replace "68,041,050" with "28,330,812"

Page 2, line 1, replace "47,747,445" with "9,442,120"

Page 2, line 2, replace "20,293,605" with "18,888,692"

Page 2, line 11, replace "24,609,357" with "23,204,444"

Page 2, line 12, replace "48,671,877" with "10,366,552"

Page 2, line 13, replace "73,281,234" with "33,570,996"

Page 4, replace lines 1 through 9 with:

"Agency salaries and wages appropriations are increased in total by approximately two percent for the 2001-03 biennium relating to increased health insurance benefit costs."

Page 4, line 13, replace "600,000" with "500,000"

Page 4, line 29, replace "\$2,700,000" with "\$2,000,000"

Page 5, line 6, replace "\$50,000,000" with "\$60,000,000"

Page 5, line 12, replace "\$100,000,000" with "\$140,000,000"

Page 5, line 25, replace "\$100,000,000" with "\$140,000,000"

Page 5, after line 25, insert:

**"SECTION 12. STUDENT LOAN TRUST TRANSFER TO STATE GENERAL FUND.** The industrial commission shall transfer to the general fund in the state treasury the sum of \$9,000,000 from the North Dakota student loan trust. The moneys must be transferred in such amounts and at such times as requested by the director of the office management and budget during the biennium beginning July 1, 2001, and ending June 30, 2003, and upon certification by the student loan trust trustee that sufficient moneys remain available to pay all debt service on student loan trust bonds, all required rebate payments to the United States treasury, and all program operating expenses."

Page 7, after line 4, insert:

**"SECTION 18. City flood control special assessment exemption for state property.** Notwithstanding any other provision of law, property of the state in a city subject to this section is exempt from special assessments levied for flood control purposes. Upon request by the governing body of the city, the exemption under this section may be completely or partially waived by majority vote of the budget section of the legislative council. A city is subject to the exemption under this section in recognition of state financial assistance for flood control provided to the city pursuant to section 61-02.1-01 or other appropriation or commitment of state funds."

**SECTION 19.** A new section to chapter 54-44.1 of the North Dakota Century Code is created and enacted as follows:

**Office of the budget and information technology department - New building construction cost-benefit analyses.** The office of the budget shall complete a cost-benefit analysis for each new building construction project included in budget requests submitted by state agencies, departments, and institutions. The analysis must review options for co-locating with other state agencies, departments, or institutions and consider information on related technology costs and savings. The office of the budget shall obtain the assistance of the information technology department, and that department shall review the technology costs and savings involved in the proposed building and provide the analysis to the office of the budget. The office of the budget shall report on the cost-benefit analyses for building projects included in the governor's budget recommendation to the legislative assembly at the same time as the governor's budget and revenue proposals are presented."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1015 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Office of Management and Budget				
Total all funds	\$68,122,987	\$68,041,050	(\$39,710,238)	\$28,330,812
Less estimated income	47,747,445	47,747,445	(38,305,325)	9,442,120
General fund	\$20,375,542	\$20,293,605	(\$1,404,913)	\$18,888,692
Radio Communications				
Total all funds	\$5,240,184	\$5,240,184	\$0	\$5,240,184
Less estimated income	524,432	924,432		924,432
General fund	\$4,715,752	\$4,315,752	\$0	\$4,315,752
Bill Total				
Total all funds	\$73,363,171	\$73,281,234	(\$39,710,238)	\$33,570,996
Less estimated income	48,271,877	48,671,877	(38,305,325)	10,366,552
General fund	\$25,091,294	\$24,609,357	(\$1,404,913)	\$23,204,444

#### House Bill No. 1015 - Office of Management and Budget - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$14,157,807	\$14,057,270	(\$2,138,424)	\$11,918,846
Operating expenses	12,307,126	12,330,726	(2,679,380)	9,651,346
Equipment	244,500	239,500	(73,500)	166,000
Capital improvements	1,320,620	1,320,620		1,320,620
Grants	34,692,934	34,692,934	(34,418,934)	274,000
Statewide compensation plan	5,400,000	5,400,000	(400,000)	5,000,000
Total all funds	\$68,122,987	\$68,041,050	(\$39,710,238)	\$28,330,812
Less estimated income	47,747,445	47,747,445	(38,305,325)	9,442,120
General fund	\$20,375,542	\$20,293,605	(\$1,404,913)	\$18,888,692
FTE	153.00	152.00	(21.00)	131.00

#### Dept. 110 - Office of Management and Budget - Detail of Senate Changes

	DECREASE FUNDING FOR STATE CONTINGENCY <sup>1</sup>	DECREASE FUNDING FOR PREPLANNING REVOLVING FUND <sup>2</sup>	DECREASE FUNDING FOR THE STATEWIDE COMPENSATION PLAN <sup>3</sup>	REMOVE FUNDING FOR THE DIVISION OF COMMUNITY SERVICES <sup>4</sup>	TOTAL SENATE CHANGES
Salaries and wages				(\$2,138,424)	(\$2,138,424)
Operating expenses	(\$100,000)			(2,679,380)	(2,679,380)
Equipment				(73,500)	(73,500)
Capital improvements					
Grants		(\$112,000)		(34,306,934)	(34,418,934)
Statewide compensation plan			(\$400,000)		(400,000)
Total all funds	(\$100,000)	(\$112,000)	(\$400,000)	(\$39,098,238)	(\$39,710,238)
Less estimated income			(400,000)	(37,905,325)	(38,305,325)
General fund	(\$100,000)	(\$112,000)	\$0	(\$1,192,913)	(\$1,404,913)
FTE	0.00	0.00	0.00	(21.00)	(21.00)

<sup>1</sup> This amendment reduces funding for the state contingency fund by \$100,000, from \$600,000, to \$500,000. Funding of \$600,000 was provided for the 1999-2001 biennium.

- 2 This amendment reduces funding provided for replenishing the preplanning revolving fund by \$112,000, from \$207,000 to \$95,000. The funding provided will result in \$250,000 of total available funds in the preplanning revolving fund, and increase of \$50,000 from the 1999-2001 level.
- 3 This amendment reduces funding for a statewide salary pool for equity increases for classified state employees by \$400,000, from \$5,400,000 to \$5,000,000, of which \$2,700,000 is from the general fund and \$2,300,000 is from special funds.
- 4 This amendment removes funding related to the Division of Community Services in order to implement the consolidation of the Department of Economic Development and Finance, the Division of Community Services, and the Tourism Department into a new Department of Commerce as recommended in the Hoeven executive budget and to be provided for in Senate Bill No. 2019.

This amendment anticipates that the Office of Management and Budget and the Emergency Commission will not spend \$300,000 of the \$600,000 in funding provided for the 1999-2001 biennium for state contingencies. This will result in additional general fund turnback of \$300,000 at the end of the 1999-2001 biennium which will be reflected in the legislative budget status as an increase to the July 1, 2001, general fund balance.

#### House Bill No. 1015 - Other Changes - Senate Action

This amendment also:

- Amends Section 5 and removes Section 6 of the engrossed bill to remove the provision that any agency may provide additional average salary increases of one percent for the second year of the 2001-03 biennium to the extent that the increases can be paid without an increase in the agency's appropriation and to add a statement that agency salaries and wages appropriations in total are increased by approximately two percent for the 2001-03 biennium relating to increased health insurance benefit costs.
- Amends Section 9 of the engrossed bill to reduce the amount of anticipated proceeds to be realized from the sale of loans in the developmental disabilities revolving loan fund by \$700,000, from \$2,700,000 to \$2,000,000. (The fiscal impact resulting from this change was included in the budget status based on the committee motion on March 16, 2001.)
- Amends Sections 11 and 12 of the engrossed bill to increase the amount to be transferred to the state general fund from the Bank of North Dakota by \$10 million, from \$50 million to \$60 million, and to increase the Bank's capital structure limit from \$100 million to \$140 million.
- Adds a section to the bill to provide for a transfer to the state general fund from the student loan trust in the amount of \$9 million.
- Adds a section to the bill to provide a conditional exemption for state property from city special assessments for flood control.
- Creates a new section to the North Dakota Century Code which requires the Office of Management and Budget, in conjunction with the Information Technology Department, to complete a cost-benefit analysis for each new building construction project requested in state agency budget requests and report on the cost-benefit analyses for those projects included in the Governor's budget to the Legislative Assembly.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1023

Page 1, line 4, replace "a statement" with "statements" and after "enact" insert "a new subsection to section 61-02-14,"

Page 1, line 5, after "61-02.1" insert a comma

Page 1, line 6, replace "and" with a comma and after "bonds" insert ", and the powers and duties of the state water commission"

Page 1, line 7, replace "sections 54-27-25 and" with "subsections 4 and 5 of section 61-01-26 and section" and replace the third "and" with a comma

Page 1, line 8, replace "section" with "sections 10 and" and after "Laws" insert ", and section 2 of House Bill No. 1151, as approved by the fifty-seventh legislative assembly"

Page 1, line 9, after "fund" insert ", sharing costs for water quality protection programs", after "Dakota" insert ", the statewide water development program", and remove "and to"

Page 1, line 10, after "bonds" insert ", and construction of a Devils Lake outlet" and replace "provide an exemption from payment of fees" with "transfer funds from the water development trust fund to the general fund; to provide requirements for the Fargo flood control project"

Page 1, line 20, replace "6,503,485" with "7,503,485"

Page 1, line 22, replace "23,710,864" with "28,710,864"

Page 2, line 2, replace "special funds appropriation" with "all funds" and replace "93,878,341" with "99,878,341"

Page 2, after line 2, insert:

"Less estimated income	90,144,521
Total general fund appropriation	\$9,733,820

**SECTION 2. STATEWIDE WATER DEVELOPMENT PROJECTS.** The amount of \$200,000, or so much of the funds as may be necessary, included in the statewide water development projects line item in section 1 of this Act is for cost-sharing for projects authorized under section 319 of the Federal Water Pollution Control Act [Pub. L. 100-4; 100 Stat. 52; 33 U.S.C. 1329] for the control of nonpoint sources of pollution for the biennium beginning July 1, 2001, and ending June 30, 2003."

Page 2, line 7, replace "\$47,365,504" with "\$37,631,684"

Page 5, replace lines 1 through 31 with:

**"SECTION 10. AMENDMENT.** Subsections 4 and 5 of section 61-01-26 of the North Dakota Century Code are amended and reenacted as follows:

4. Accruing benefits from these resources can best be achieved for the people of the state through the development, execution, and periodic updating of comprehensive, coordinated, and well-balanced short-term and long-term plans and programs for the conservation and development of such resources by the departments and agencies of the state having responsibilities therefor. The plans and programs for the conservation and development of these resources may include implementation of a program to cost-share with local sponsors of water quality improvement projects.
5. Adequate implementation of such plans and programs shall be provided by the state through cost-sharing and cooperative participation with the appropriate federal and state departments and agencies and political subdivisions within the limitation of budgetary requirements and administrative capabilities, including consideration of cost-sharing for water quality improvement projects."

Page 6, remove lines 1 through 8

Page 7, after line 10, insert:

**"SECTION 12. AMENDMENT.** Section 2 of House Bill No. 1151, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

**SECTION 2.** A new section to chapter 61-02 of the North Dakota Century Code is created and enacted as follows:

**Devils Lake outlet - Eminent domain - Design and build construction.** In the construction of an outlet from Devils Lake, the commission:

1. Shall make a reasonable and diligent effort to acquire the property interests needed by negotiation. The commission is deemed to have made a reasonable and diligent effort if it has contacted or attempted to contact the owner of the property interest needed at least three times over a thirty-day period. If the commission is unable to acquire the interest needed by negotiation, then it may take possession of the interests needed after making a written offer to purchase and depositing the amount of the offer with the clerk of the district court of the county in which the property interest is located. The amount of the offer must be at least the average value per acre of comparable property. The clerk shall immediately notify the property owner in writing of the deposit. Within thirty days after receiving notice, the property owner may appeal to district court by serving notice of appeal upon the commission and the matter must be tried in the manner prescribed under chapter 32-15.

2. May issue, when it determines that it would be advantageous to the state or that it is necessary in order to construct the outlet in a timely manner, a request for proposals to design and build the outlet. The request for proposals must require that each proposal submitted contain a single price that includes the cost to design and build the outlet. Neither chapter 48-01.1 or 54-44.7, nor any other law requiring competitive bidding applies to the construction of the outlet if the commission determines to use the design and build procedure. The commission shall select the proposal that it determines is the most advantageous to the state.

**SECTION 13.** A new subsection to section 61-02-14 of the North Dakota Century Code is created and enacted as follows:

To consider cost-sharing for water quality improvement projects."

Page 7, line 21, replace "thirty-six" with "twenty"

Page 7, line 22, remove "three hundred thousand"

Page 8, line 12, replace "10" with "14"

Page 8, line 29, replace "\$36,300,000" with "\$20,000,000" and replace "11" with "14"

Page 9, line 3, after the period insert "Contracts for water projects to be paid from the water development trust fund may initially be issued up to an amount equal to seventy-five percent of the amount appropriated from that fund for projects. Contracts for the remaining twenty-five percent appropriated may only be issued to the extent uncommitted funds are available in the water development trust fund."

Page 9, line 12, replace "14" with "17"

Page 9, replace lines 13 through 18 with:

**"SECTION 19. TRANSFER.** Notwithstanding section 54-27-25, during the biennium beginning July 1, 2001, and ending June 30, 2003, the director of the office of management and budget may transfer \$9,733,820 from the water development trust fund to the general fund.

**SECTION 20.** Section 10 of chapter 535 of the 1999 Session Laws is amended and reenacted as follows:

**SECTION 10. STATEWIDE WATER DEVELOPMENT PROGRAM - LEGISLATIVE INTENT.** The state water commission shall develop a new comprehensive statewide water development program with priorities based upon expected funds available from the water development trust fund for water development projects. This program may include water quality improvement projects. It is the intent of the legislative assembly that the state water commission consider the delivery of water for usable purposes a priority for water development projects after the projects authorized in section 3 of this Act are completed."

Page 9, after line 24, insert:

**"SECTION 22. LEGISLATIVE INTENT - ADMINISTRATIVE EXPENSES.** It is the intent of the fifty-seventh legislative assembly that the water development trust fund not be used as a source of funding for state water commission administrative expenses after the 2001-03 biennium.

**SECTION 23. FARGO FLOOD CONTROL - REQUIREMENTS.** Except for planning, the state water commission may not issue bonds or provide funding for Fargo flood control projects until applicable permits are issued, southeast Cass water resource district has approved the project, and a public hearing process is held on the approved project plan. The total authorization consists of \$500,000 for expenses for preliminary study and planning of the project and \$5,000,000 for project construction expenses."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1023 - State Water Commission - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$8,966,759	\$9,066,759		\$9,066,759
Operating expenses	6,477,485	6,503,485	\$1,000,000	7,503,485
Equipment	514,833	499,833		499,833
Capital improvements	23,710,864	23,710,864	5,000,000	28,710,864
Grants	22,625,067	22,475,067		22,475,067
Cooperative research	3,050,000	3,050,000		3,050,000
Statewide water development projects	62,300,000	67,800,000		67,800,000
Total all funds	\$127,645,008	\$133,106,008	\$6,000,000	\$139,106,008
Less estimated income	<u>127,645,008</u>	<u>133,106,008</u>	<u>(3,733,820)</u>	<u>129,372,188</u>
General fund	\$0	\$0	\$9,733,820	\$9,733,820
FTE	83.00	84.00	0.00	84.00

#### Dept. 770 - State Water Commission - Detail of Senate Changes

	CHANGE FUNDING FOR ADMINISTRATIVE EXPENSES <sup>1</sup>	PROVIDE AUTHORIZATION FOR SOUTHWEST PIPELINE PROJECT <sup>2</sup>	TOTAL SENATE CHANGES
Salaries and wages			
Operating expenses		\$1,000,000	\$1,000,000
Equipment			
Capital improvements		5,000,000	5,000,000
Grants			
Cooperative research			
Statewide water development projects			
Total all funds	\$0	\$6,000,000	\$6,000,000
Less estimated income	<u>(9,733,820)</u>	<u>6,000,000</u>	<u>(3,733,820)</u>
General fund	\$9,733,820	\$0	\$9,733,820
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment transfers funding for administrative expenses of the State Water Commission from the water development trust fund to the general fund and provides for a transfer of funds from the water development trust fund to the general fund in the amount of \$9,733,820.

<sup>2</sup> Authorizes \$6 million of federal grant moneys to be used for construction of southwest pipeline.

Section 2 authorizes \$200,000 of funds already approved for water development projects for Section 319 of the Federal Water Pollution Control Act for control of nonpoint sources of pollution.

Section 9 of the engrossed bill relating to the tobacco settlement trust fund is removed as the expenses of the State Water Commission are to be paid from the general fund.

This amendment also requires the State Water Commission to offer at least the average value per acre of comparable property for property acquired under eminent domain for an outlet from Devils Lake (Section 12).

The amendment changes Section 14 and limits the capital bonding for water projects to \$20 million and requires in Section 16 that water projects funded from the water development trust fund cannot exceed 75 percent of the amount appropriated from the fund and the remaining 25 percent may be appropriated only to the extent funds are available in the water development trust fund.

In Section 19 a transfer is authorized from the water development trust fund to the general fund in the amount of \$9,733,820, the administrative expenses of the State Water Commission. The \$5,500,000 authorized for Fargo flood control projects includes \$500,000 for preliminary study and planning of the project and \$5,000,000 for construction of the project as provided for in Section 23.

Section 20 includes language that programs for the conservation and development of state water resources may include cost-sharing with local sponsors of water quality improvement projects.

Legislative intent is added that the water development trust fund not be used to fund administrative expenses of the State Water Commission in future bienniums (Section 22).

Section 23 is added requiring permits to be issued, approval from the Southeast Cass Water Resource District, and a public hearing process prior to issuance of bonds or funding being provided for Fargo flood control projects.



**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1200**

Page 1, line 19, after "APPROPRIATION" insert "- REFUND FUND TRANSFER"

Page 1, line 20, replace "general fund" with "attorney general refund fund from lawsuit settlement collections" and replace "\$320,000" with "\$260,000"

Page 1, line 21, after the comma insert "and \$60,000 from other funds,"

Page 1, line 24, replace "general fund" with "attorney general refund fund from lawsuit settlement collections"

Page 2, line 3, after the period insert "The funds appropriated from the attorney general refund fund must be transferred to the agriculture research and extension operating fund as requested by the state board of agriculture research and education."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1200 - Branch Research Centers - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
North Central Research Center		\$320,000		\$320,000
Williston Research Center		<u>85,000</u>		<u>85,000</u>
Total all funds	\$0	\$405,000	\$0	\$405,000
Less estimated income		<u>24,000</u>	<u>381,000</u>	<u>405,000</u>
General fund	\$0	\$381,000	(\$381,000)	\$0
FTE	0.00	0.00	0.00	0.00

**Dept. 628 - Branch Research Centers - Detail of Senate Changes**

	CHANGE FUNDING SOURCE <sup>1</sup>	TOTAL SENATE CHANGES
North Central Research Center		
Williston Research Center		
Total all funds	\$0	\$0
Less estimated income	<u>381,000</u>	<u>381,000</u>
General fund	(\$381,000)	(\$381,000)
FTE	0.00	0.00

<sup>1</sup> This amendment changes the funding source for the purchase of land at the North Central Research Extension Center from a general fund appropriation of \$320,000 to \$260,000 from the Attorney General refund fund from lawsuit settlement collections and \$60,000 from other funds and the funding source for the purchase of land at the Williston Research Extension Center from a general fund appropriation of \$61,000 to \$61,000 from the Attorney General refund fund from lawsuit settlement collections and \$24,000 from other funds.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1328**

In lieu of the amendments adopted by the Senate as printed on pages 947-949 of the Senate Journal, Reengrossed House Bill No. 1328 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to creation of a crop protection product harmonization and registration board; to amend and reenact sections 4-35-06.2 and 4-35-06.3 of the North Dakota Century Code, relating to funds received for expenses paid relating to the registration of pesticides and the minor use pesticide fund; to repeal section 11 of chapter 31 of the 1999 Session Laws, relating to the crop harmonization committee; and to provide an appropriation.

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

**SECTION 1. AMENDMENT.** Section 4-35-06.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-06.2. ~~Commissioner of agriculture - Pesticide control~~ Crop protection product harmonization and registration board - Recovery of funds.** The ~~commissioner~~

~~of agriculture crop protection product harmonization and registration board may accept, on behalf of the pesticide control board, funds received for expenses paid by the pesticide control board relating to the registration of pesticides or donations offered to or for the benefit of the pesticide control board. All moneys received under this section must be deposited in the minor use pesticide fund to pay expenses relating to the registration of pesticides or for the specific purpose for which they are given. The pesticide control board shall attempt, whenever possible, to recover funds expended relating to the registration of pesticides and shall adopt rules to administer provisions of this section.~~

**SECTION 2. AMENDMENT.** Section 4-35-06.3 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-06.3. Minor use pesticide fund - Continuing appropriation.** The minor use pesticide fund is created as a special fund in the state treasury. All moneys in the fund are appropriated on a continuing basis to the ~~pesticide control~~ crop protection product harmonization and registration board for the purpose of conducting or commissioning studies, investigations, and evaluations regarding the registration and use of pesticides for minor crops, minor uses, and other uses as determined by the board.

**SECTION 3.** A new section to chapter 4-35 of the North Dakota Century Code is created and enacted as follows:

Crop protection product harmonization and registration board - Duties - Grants.

1. The crop protection product harmonization and registration board consists of the governor or the governor's designee, the agriculture commissioner, the chairman of the house agriculture committee, the chairman of the senate agriculture committee, one crop protection product manufacturing industry representative appointed by the chairman of the legislative council, and two consumers of crop protection products appointed by the governor. The governor or the governor's designee shall serve as chairman of the board. The board shall:
  - a. Identify and prioritize crop protection product labeling needs;
  - b. Explore the extent of authority given to this state under the federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136a];
  - c. Identify the data necessary to enable registration of a use to occur in a timely manner;
  - d. Determine what research, if any, is necessary to fulfill data requirements for activities listed in this section;
  - e. Request the agriculture commissioner to pursue specific research funding options from public and private sources;
  - f. Request the North Dakota state university agricultural experiment station to pursue specific research to coordinate registration efforts; and
  - g. Pursue any opportunities to make more crop protection product options available to agricultural producers in this state through any means the board determines advisable.
2. The board may contract with a consultant to conduct studies or provide research or information regarding crop protection product registration and labeling needs.
3. The board may administer a grant program through which agriculture commodity groups established under this title may apply for funds to be used by the groups to address issues related to the registration of crop protection products. To be eligible for receipt of a grant, an applicant must submit an application to the board which requests a specific amount of funds, specifies the exact purposes for which the grant would be used, and provides a detailed timetable for the use of the grant funds. The board may impose any additional conditions it determines appropriate for grant recipients, including requiring periodic reports and furnishing of matching

funds. The board may terminate funding of a previously approved grant at any time if the board is dissatisfied with the performance of the grant recipient.

4. The board may use not more than fifteen percent of the funds under its supervision for administrative purposes, including the cost of contracting for administrative services and reimbursement of board member expenses. The members of the board who are members of the legislative assembly are entitled to compensation from the legislative council for attendance at board meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
5. The board may adopt rules to implement this section.

**SECTION 4. REPEAL.** Section 11 of chapter 31 of the 1999 Session Laws is repealed.

**SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the environment and rangeland protection fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, and from special funds derived from grants or donation income, the sum of \$200,000, or so much of the sum as may be necessary, to the crop protection product harmonization and registration board for the purposes of addressing crop protection product registration and labeling needs and providing grants as provided in section 3 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

SENATE - This amendment reduces the total appropriation for the Crop Harmonization Committee by \$75,000 from \$525,000 to \$450,000 by reducing the appropriation from the environment and rangeland protection fund by \$75,000 from \$325,000 to \$250,000.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1003, HB 1196.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003**

Page 1, line 2, after the semicolon insert "to provide for standards of practice for guardians;"

Page 1, line 3, after the first semicolon insert "to provide for a legislative council study;" and replace "sections" with "section"

Page 1, line 4, replace the first "and" with ", subsection 1 of section 53-06.2-02, subsection 3 of section 53-06.2-11, sections" and after "54-12-11" insert ", and 54-12-18"

Page 1, line 5, replace the first "and" with ", racing commission supervision and expenses," and after "general" insert ", and the attorney general refund fund; to provide for retroactive application"

Page 1, line 12, replace "14,841,235" with "14,970,368"

Page 1, line 13, replace "5,882,969" with "6,002,469"

Page 1, line 14, replace "399,876" with "414,876"

Page 1, line 17, replace "297,112" with "240,568"

Page 1, line 23, replace "32,142,123" with "32,349,212"

Page 2, line 1, replace "17,751,371" with "17,454,259"

Page 2, line 2, replace "14,390,752" with "14,894,953"

Page 2, line 22, after "23-37" insert ". Fees under this section may be collected in amounts"

Page 2, line 23, replace "2001" with "1999", replace "2003" with "2001, and of up to a total of \$35,000 for services provided by the state fire marshal program for the biennium beginning July 1, 2001, and ending June 30, 2003"

Page 3, remove lines 5 through 11

Page 3, after line 30, insert:

**"SECTION 13. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES.**

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing volunteer guardianship training in the state, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 14. Standards of practice for guardians.** The attorney general, in cooperation with the department of human services, shall adopt and implement standards of practice for guardianship services in accordance with the national guardianship association standards of practices adopted most recently by the membership of the national guardianship association.

**SECTION 15. LEGISLATIVE COUNCIL STUDY - RACING COMMISSION.**

The legislative council shall consider studying, during the 2001-02 interim, the racing commission, including its authority to schedule, promote, support, and regulate live or simulcast racing in North Dakota. If chosen, the study must address the effectiveness of the commission's authority to both promote and regulate racing and whether its authority is appropriate for the commission and its members. 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 5, after line 3, insert:

**"SECTION 17. AMENDMENT.** Subsection 1 of section 53-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

1. A North Dakota racing commission is established in the office of the attorney general. The commission is subject to the supervision and direction of the attorney general, except with regard to the commission's authority to spend the funds described in subsection 6 of section 53-06.2-11. The attorney general may require payment for any services rendered to the racing commission. Payment for such services must be deposited into the attorney general's operating fund. The commission consists of the chairman and four other members appointed by the governor. Of the members appointed by the governor, one must be appointed from a list of four nominees, one of whom is nominated by the state chapter or affiliate of the American quarter horse racing association, one of whom is nominated by the state chapter or affiliate of the United States trotting association, one of whom is nominated by the state chapter or affiliate of the international Arabian horse association, and one of whom is nominated by the state chapter or affiliate of the North Dakota thoroughbred association. The members serve five-year terms and until a successor is appointed and qualified. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so that one term expires each July first. At the expiration of the five-year term of each incumbent member of the commission, the governor shall appoint a new member to the commission.

**SECTION 18. AMENDMENT.** Subsection 3 of section 53-06.2-11 of the North Dakota Century Code is amended and reenacted as follows:

3. Unclaimed tickets and breakage from each live race meet and simulcast program as defined by the commission and the percentage of the wagering pool to be paid to the racing promotion fund under subsections 1 and 2 must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. Notwithstanding this section, the commission may, upon approval of the ~~emergency commission~~

attorney general, receive no more than twenty-five percent of this fund for the purpose of payment of operating expenses of the commission."

Page 5, after line 10, insert:

**"SECTION 20. AMENDMENT.** Section 54-12-18 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-12-18. Special fund established - Continuing appropriation.** A special fund is established in the state treasury and designated as the attorney general refund fund. The attorney general shall deposit all moneys recovered by the consumer protection division for refunds to consumers in cases where persons or parties are found to have violated the consumer fraud laws, all costs, expenses, attorney's fees, and civil penalties collected by the division regarding any consumer protection or antitrust matter, all cash deposit bonds paid by applicants for a transient merchant's license who do not provide a surety bond, and all funds and fees collected by the gaming section for licensing tribal gaming and for the investigation of gaming employees, applicants, organizations, manufacturers, distributors, or tribes involved in state or tribal gaming. The moneys in the fund are appropriated, as necessary, for the following purposes:

1. To provide refunds of moneys recovered by the consumer protection and antitrust division on behalf of specifically named consumers;
2. To pay valid claims against cash deposit bonds posted by transient merchant licensees;
3. To refund, upon expiration of the two-year period after the expiration of the transient merchant's license, the balance of any cash deposit bond remaining after the payment of valid claims;
4. To pay costs, expenses, and attorney's fees and salaries incurred in the operation of the consumer protection division; and
5. To pay the actual costs of background investigations, licensing, and enforcement of gaming in the state or pursuant to Indian gaming compacts.

At the end of each ~~fiscal year~~ biennium any moneys in the fund in excess of the amounts required for subsections 1, 2, 3, and 5 must be deposited in the general fund. The attorney general, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for use of the attorney general refund fund, particularly with respect to expenditures under subsection 4.

**SECTION 21. RETROACTIVE APPLICATION.** Section 6 of this Act is effective for services provided by the state fire marshal program beginning July 1, 1999."

Page 5, line 11, replace "11" with "10"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1003 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Attorney General				
Total all funds	\$31,909,515	\$32,142,123	\$207,089	\$32,349,212
Less estimated income	16,979,504	17,751,371	(297,112)	17,454,259
General fund	\$14,930,011	\$14,390,752	\$504,201	\$14,894,953
Department of Human Services - Program and Policy				
Total all funds	\$0	\$0	\$50,000	\$50,000
Less estimated income				
General fund	\$0	\$0	\$50,000	\$50,000
Bill Total				
Total all funds	\$31,909,515	\$32,142,123	\$257,089	\$32,399,212
Less estimated income	16,979,504	17,751,371	(297,112)	17,454,259
General fund	\$14,930,011	\$14,390,752	\$554,201	\$14,944,953

#### House Bill No. 1003 - Attorney General - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$14,847,334	\$14,841,235	\$129,133	\$14,970,368
Operating expenses	5,882,969	5,882,969	119,500	6,002,469
Equipment	428,876	399,876	15,000	414,876
Grants	5,524,989	5,734,398		5,734,398
Litigation fees	50,000	50,000		50,000
Racing Commission	238,814	297,112	(56,544)	240,568
National criminal history improvement project	2,358,720	2,358,720		2,358,720
Arrest and return of fugitives	10,000	10,000		10,000
Gaming Commission	5,109	5,109		5,109
Law enforcement programs	631,056	631,056		631,056
High-intensity drug trafficking area	1,931,648	1,931,648		1,931,648
Total all funds	\$31,909,515	\$32,142,123	\$207,089	\$32,349,212
Less estimated income	<u>16,979,504</u>	<u>17,751,371</u>	<u>(297,112)</u>	<u>17,454,259</u>
General fund	\$14,930,011	\$14,390,752	\$504,201	\$14,894,953
FTE	158.50	158.50	2.00	160.50

### Dept. 125 - Attorney General - Detail of Senate Changes

	ADD PUBLIC INFORMATION OFFICER <sup>1</sup>	ADD BCI AGENT	ADD INFORMATION TECHNOLOGY FUNDING <sup>2</sup>	CHANGE FUNDING FOR RACING COMMISSION <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$48,000	\$81,133			\$129,133
Operating expenses		19,500	\$100,000		119,500
Equipment		15,000			15,000
Grants					
Litigation fees					
Racing Commission				(\$56,544)	(56,544)
National criminal history improvement project					
Arrest and return of fugitives					
Gaming Commission					
Law enforcement programs					
High-intensity drug trafficking area					
Total all funds	\$48,000	\$115,633	\$100,000	(\$56,544)	\$207,089
Less estimated income				<u>(297,112)</u>	<u>(297,112)</u>
General fund	\$48,000	\$115,633	\$100,000	\$240,568	\$504,201
FTE	1.00	1.00	0.00	0.00	2.00

<sup>1</sup> A public information officer position is added only for the second year of the biennium.

<sup>2</sup> Operating expenses are increased by \$100,000 from the general fund to provide a total of \$200,000 from the general fund for costs associated with rewriting the uniform crime reporting (UCR) computer system.

<sup>3</sup> The funding source for Racing Commission expenses is changed from Racing Commission special funds as included in the House version to the general fund. This amendment removes funding of \$56,544 added by the House for additional funding for Racing Commission operating costs.

A section is added providing that any excess moneys in the Attorney General refund fund be transferred to the general fund at the end of each biennium rather than at the end of each fiscal year. (Section 20)

A retroactive application section is added which will allow the Fire Marshal to bill for services provided to entities covered by the petroleum release compensation fund for the 1999-2001 biennium in addition to the 2001-03 biennium. (Section 21)

Sections are added providing that:

- The Racing Commission is under the supervision of the Attorney General. (Section 17)
- The Attorney General may charge the Racing Commission for services provided to the commission. (Section 17)
- The Attorney General, rather than the Emergency Commission, may authorize the Racing Commission to spend more than 25 percent of the promotion fund for operating expenses of the commission. (Section 18)

A section is added providing for a Legislative Council study of the Racing Commission.

## House Bill No. 1003 - Department of Human Services - Program and Policy - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Grants			<u>\$50,000</u>	<u>\$50,000</u>
Total all funds	\$0	\$0	\$50,000	\$50,000
Less estimated income				
General fund	\$0	\$0	\$50,000	\$50,000
FTE	0.00	0.00	0.00	0.00

## Dept. 328 - Department of Human Services - Program and Policy - Detail of Senate Changes

	ADD GUARDIANSHIP TRAINING FUNDING <sup>1</sup>	TOTAL SENATE CHANGES
Grants	<u>\$50,000</u>	<u>\$50,000</u>
Total all funds	\$50,000	\$50,000
Less estimated income		
General fund	\$50,000	\$50,000
FTE	0.00	0.00

<sup>1</sup> Funding is added for the Department of Human Services to provide volunteer guardianship training during the 2001-03 biennium. (Section 13)

A section is added providing that the Attorney General, in cooperation with the Department of Human services, implement standards of practice for guardianship services. (Section 14)

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1196**

In lieu of the amendments adopted by the Senate as printed on pages 760 and 761 of the Senate Journal, Reengrossed House Bill No. 1196 is amended as follows:

Page 1, line 1, after "Act" insert "to provide for the creation of a nursing facility nurses student loan 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 4, after line 3, insert:

**"SECTION 8. Nursing facility nurses student loan grant program.**

1. The state health council, in cooperation with the North Dakota long term care association, shall administer the nursing facility nurses student loan grant program. The purpose of the program is to provide matching funds to nursing facilities to assist the facilities in recruiting and retaining nurses. 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;
  - c. Has employed a nurse who has an outstanding student loan balance; and
  - d. 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."

Page 4, line 22, after the third "capacity" insert "licensed after July 1, 2001, as nursing facility capacity,"

Page 4, line 31, after "basic" insert "care" and after "capacity" insert "licensed after July 1, 2001, as nursing facility capacity,"

Page 5, line 3, overstrike "1999" and insert immediately thereafter "2001"

Page 5, line 4, overstrike "1999" and insert immediately thereafter "2001" and overstrike "2001" and insert immediately thereafter "2003"

Page 5, line 6, overstrike "1999" and insert immediately thereafter "2001" and overstrike "2001" and insert immediately thereafter "2003"

Page 5, line 11, after the second "capacity" insert "licensed after July 1, 2001, as nursing facility capacity,"

Page 5, remove lines 15 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 "\$13,000,000"

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"

Page 14, line 27, remove "by at least eight"

Page 14, remove line 28

Page 14, line 29, replace "facility bed capacity by fewer than eight beds" with ". 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. Any offer that meets the criteria of this section and is within legislative appropriations must be approved by the department. The department shall



inform the facility making an offer within five business days of receiving the offer of the department's approval or disapproval of the offer"

Page 15, line 18, replace "\$681,846" with "\$1,165,303"

Page 15, line 19, replace "\$1,590,974" with "\$2,719,040"

Page 15, line 22, replace "1999" with "2000"

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 15, after "assessment" insert "and nursing facility payment system"

Page 16, line 16, replace "biennium" with "period" and replace "June 30" with "January 1"

Page 16, remove lines 17 through 19

Page 16, line 21, replace "**PAYMENT FUND - ADDITIONAL SPENDING**" with "**GRANT PROGRAM**"

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 26, replace "payments" with "grants" and remove "The state"

Page 16, remove lines 27 through 30

Page 17, line 23, replace "\$150,000" with "\$250,000"

Page 19, line 1, replace "8" with "9" and replace "9" with "10"

Page 19, line 3, replace "34" with "33", replace "40" with "39", and replace "41" with "40"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1196 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
State Department of Health				
Total all funds	\$0	\$200,000	\$289,500	\$489,500
Less estimated income		<u>200,000</u>	<u>289,500</u>	<u>489,500</u>
General fund	\$0	\$0	\$0	\$0
Department of Human Services - Management				
Total all funds	\$0	\$8,055,347	\$0	\$8,055,347
Less estimated income		<u>8,055,347</u>		<u>8,055,347</u>
General fund	\$0	\$0	\$0	\$0
Department of Human Services - Economic Assistance				
Total all funds	\$0	\$84,721,181	\$5,741,349	\$90,462,530
Less estimated income		<u>73,071,181</u>	<u>5,741,349</u>	<u>78,812,530</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000
Department of Human Services - Program and Policy				
Total all funds	\$0	\$7,148,302	\$100,000	\$7,248,302
Less estimated income		<u>7,148,302</u>	<u>100,000</u>	<u>7,248,302</u>

General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$0	\$100,124,830	\$6,130,849	\$106,255,679
Less estimated income		<u>88,474,830</u>	<u>6,130,849</u>	<u>94,605,679</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000

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

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

**Dept. 301 - State Department of Health - Detail of Senate Changes**

	CHANGE LOAN PAYMENT PROGRAM <sup>1</sup>	TOTAL SENATE CHANGES
Scholarship and loan repayment program	\$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 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 assisting in the repayment of nursing student loans. Each 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.

This amendment provides a \$489,500 appropriation from the health care trust fund for this program 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.

**House Bill No. 1196 - Department of Human Services - Economic Assistance - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Government nursing facility funding pool payments		\$38,750,000		\$38,750,000
Intergovernmental transfer administration		71,158		71,158
Nursing facility grants		100,226		100,226
Nursing facility loans		8,899,774	\$4,100,226	13,000,000
Long-term care needs assessment		241,006		241,006
Nursing home bed reduction incentive		4,100,000	(100,000)	4,000,000
Nursing facility employee compensation		27,296,847		27,296,847
Basic care employee compensation		673,600		673,600
Nursing facility rate limit increase		2,272,820	1,611,523	3,884,343
Nursing facility personal care allowance		888,000	129,600	1,017,600
Basic care personal care allowance		180,000		180,000
Qualified service provider training grants		140,000		140,000
Targeted case management		<u>1,107,750</u>		<u>1,107,750</u>
Total all funds	\$0	\$84,721,181	\$5,741,349	\$90,462,530
Less estimated income		<u>73,071,181</u>	<u>5,741,349</u>	<u>78,812,530</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000
FTE	0.00	0.00	0.00	0.00

**Dept. 327 - Department of Human Services - Economic Assistance - Detail of Senate Changes**

	INCREASE LOAN FUNDING <sup>1</sup>	REDUCE BED REDUCTION INCENTIVE FUNDING <sup>2</sup>	REBASE TO 2000 <sup>3</sup>	ALLOWANCE INCREASE FOR ICF/MR <sup>4</sup>	TOTAL SENATE CHANGES
Government nursing facility funding pool payments					
Intergovernmental transfer administration					
Nursing facility grants					
Nursing facility loans	\$4,100,226				\$4,100,226
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			\$1,611,523		1,611,523
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	\$4,100,226	(\$100,000)	\$1,611,523	\$129,600	\$5,741,349
Less estimated income	<u>4,100,226</u>	<u>(100,000)</u>	<u>1,611,523</u>	<u>129,600</u>	<u>5,741,349</u>
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> The funding provided for loans is increased to \$13 million from the health care trust fund.

<sup>2</sup> Funding for the nursing home bed reduction incentive program is reduced by \$100,000 from the health care trust fund.

The maximum payment allowed for reducing a bed is increased from \$10,000 to \$15,000 and provisions included in the House version that authorized a lower payment for reducing fewer than eight beds are removed.

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 and that the department must approve all offers that meet the program's criteria and are within available funding.
- Shall inform a nursing facility within five business days regarding the department's approval or disapproval of the facility's offer to reduce beds.

<sup>3</sup> Additional funding of \$483,457 is provided from the health care trust fund and \$1,128,066 of federal funds is provided to rebase nursing facility cost limits to 2000 rather than 1999 as included in the House version.

<sup>4</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 (ICF/MR) from \$40 to \$50 per month.

Provisions are added that:

- Require any basic care bed capacity that is being converted to nursing facility bed capacity to have been licensed as basic care after July 1, 2001.
- Change the dates on the moratorium on the expansion of long-term care bed capacity to reflect the 2001-03 biennium.
- Remove the definition of "assisted living facility" from North Dakota Century Code Chapter 50-30.
- Expand the long-term care needs assessment study to include the nursing facility payment system.

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

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Service payments for elderly		\$6,898,302		\$6,898,302

and disabled Senior citizen mill levy match Independent living center grants		150,000 100,000	\$100,000	250,000 100,000
Total all funds	\$0	\$7,148,302	\$100,000	\$7,248,302
Less estimated income		<u>7,148,302</u>	<u>100,000</u>	<u>7,248,302</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

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

	INCREASE SENIOR MILL MATCH FUNDING	TOTAL SENATE CHANGES
Service payments for elderly and disabled Senior citizen mill levy match Independent living center grants	\$100,000	\$100,000
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

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SCR 4049.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1462.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2202.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2004, SB 2011, SB 2016.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1010, HB 1019, HB 1026, HB 1208, HB 1249, HB 1349, and HB 1472.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has not adopted the conference committee report on HB 1416.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has not adopted the conference committee report on HB 1385 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1385:** Reps. Weisz; Galvin; Sandvig

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2224, SB 2300, SB 2315, and SB 2413.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2287, SB 2347, SB 2419, and SB 2449 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2287:** Sens. Fischer; Traynor; Every

**SB 2347:** Sens. Klein; Wanzek; Nichols

**SB 2419:** Sens. Urlacher; Erbele; Kroeplin

**SB 2449:** Sens. Tollefson; Fischer; Every

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2007, SB 2013, SB 2017, SB 2106, SB 2124, SB 2167, SB 2239, and SB 2244 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2007:** Sens. Andrist; Thane; Tomac  
**SB 2013:** Sens. Bowman; Schobinger; Tallackson  
**SB 2017:** Sens. Holmberg; Grindberg; Lindaas  
**SB 2106:** Sens. Wanzek; Flakoll; Christenson  
**SB 2124:** Sens. Erbele; Lee; Polovitz  
**SB 2167:** Sens. Wanzek; Urlacher; Nichols  
**SB 2239:** Sens. Fischer; Kilzer; T. Mathern  
**SB 2244:** Sens. Kilzer; Krebsbach; T. Mathern

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1005, HB 1006, HB 1009, and HB 1460 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1005:** Reps. Byerly; B. Thoreson; Glassheim  
**HB 1006:** Reps. Skarphol; Byerly; Huether  
**HB 1009:** Reps. Skarphol; B. Thoreson; Huether  
**HB 1460:** Reps. Brandenburg; Drovda; S. Kelsh

#### **REPORT OF STANDING COMMITTEE**

**SB 2004, as engrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to create and enact a new section to chapter 23-01 of the North Dakota"

Page 1, line 3, remove "Century Code, relating to a donated dental services program;"

Page 1, line 6, remove "to repeal section 19-02.1-25 of the North Dakota Century Code, relating"

Page 1, line 7, remove "to country of origin labels;" and replace "a statement" with "statements"

Page 1, line 15, replace "29,020,730" with "28,496,668"

Page 1, line 16, replace "17,182,035" with "15,647,794"

Page 1, line 17, replace "1,454,626" with "1,265,451"

Page 1, line 19, replace "24,178,552" with "23,352,670"

Page 1, after line 19, insert:

"Centers for disease control tobacco funds 2,369,934"

Page 1, line 20, replace "7,069,934" with "4,700,000"

Page 1, line 21, replace "17,516,870" with "17,000,000"

Page 1, line 22, replace "96,464,451" with "92,874,221"

Page 1, line 23, replace "81,518,714" with "78,118,102"

Page 1, line 24, replace "14,945,737" with "14,756,119"

Page 2, line 25, replace "\$4,815,000" with "\$4,700,000"

Page 2, after line 31, insert:

**"SECTION 9. GRANTS - NORTH DAKOTA STOCKMEN'S ASSOCIATION - REFUND FUND TRANSFER.** The grants line item in section 1 of this Act includes \$50,000 from the attorney general refund fund from lawsuit settlement collections, which the state department of health shall distribute to the North Dakota stockmen's association for the purpose of developing and beginning to implement a plan to reduce the potential environmental impact from livestock operations, for the biennium beginning July 1, 2001, and ending June 30, 2003. These funds, and funds of the North Dakota stockmen's association, must be used as matching funds for federal environmental

protection agency 319 funds. The funds from the attorney general refund fund must be transferred to the state department of health operating fund as requested by the state health officer."

Page 5, remove lines 22 through 30

Page 6, remove lines 1 through 14

Page 6, replace lines 23 and 24 with:

**"SECTION 14. LEGISLATIVE INTENT - CENTERS FOR DISEASE CONTROL AND PREVENTION FUNDS.** It is the intent of the legislative assembly that the state department of health use the grant funds from the centers for disease control and prevention, as allowed, to fund tobacco counter-marketing and public education campaigns and local tobacco prevention coordinators and that local public health administrators supervise the local tobacco prevention coordinators."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2004 - State Department of Health - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$28,937,730	\$29,020,730	(\$524,062)	\$28,496,668
Operating expenses	17,165,035	17,182,035	(1,534,241)	15,647,794
Equipment	1,454,626	1,454,626	(189,175)	1,265,451
Capital improvements	41,704	41,704		41,704
Grants	31,433,486	24,178,552	(825,882)	23,352,670
Women, infants, and children food payments	17,516,870	17,516,870	(516,870)	17,000,000
Tobacco prevention and control		7,069,934	(2,369,934)	4,700,000
Centers for Disease Control and Prevention tobacco funds			2,369,934	2,369,934
Total all funds	\$96,549,451	\$96,464,451	(\$3,590,230)	\$92,874,221
Less estimated income	<u>81,503,958</u>	<u>81,518,714</u>	<u>(3,400,612)</u>	<u>78,118,102</u>
General fund	\$15,045,493	\$14,945,737	(\$189,618)	\$14,756,119
FTE	316.00	317.00	(2.00)	315.00

#### Dept. 301 - State Department of Health - Detail of House Changes

	REDUCE SALARIES IN ADMINISTRATIVE SERVICES	REDUCE OPERATING IN ADMINISTRATIVE SERVICES	REMOVE ONE ADMINISTRATIVE ASSISTANT POSITION	REDUCE OPERATING IN HEALTH RESOURCES	REDUCE SALARIES IN PREVENTIVE HEALTH	REDUCE OPERATING IN PREVENTIVE HEALTH
Salaries and wages	(\$7,000)		(\$56,817)		(\$10,000)	
Operating expenses		(\$40,000)		(\$110,000)		(\$450,000)
Equipment						
Capital improvements						
Grants						
Women, infants, and children food payments						
Tobacco prevention and control						
Centers for Disease Control and Prevention tobacco funds						
Total all funds	(\$7,000)	(\$40,000)	(\$56,817)	(\$110,000)	(\$10,000)	(\$450,000)
Less estimated income		<u>(32,000)</u>		<u>(98,000)</u>		<u>(410,000)</u>
General fund	(\$7,000)	(\$8,000)	(\$56,817)	(\$12,000)	(\$10,000)	(\$40,000)
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00
	REDUCE GRANTS LINE ITEM IN PREVENTIVE HEALTH	REDUCE WIC FOOD PAYMENTS LINE ITEM	REMOVE FUNDING FOR ONE TMDL POSITION 1	FUNDING SOURCE CHANGE 2	REDUCE OPERATING IN ENVIRONMENTAL HEALTH	REDUCE GRANTS LINE ITEM IN ENVIRONMENTAL HEALTH
Salaries and wages			(\$83,130)			
Operating expenses					(\$275,000)	
Equipment						
Capital improvements						
Grants	(\$1,012,194)					(\$850,000)
Women, infants, and children food payments		(\$516,870)				
Tobacco prevention and control						
Centers for Disease Control						

and Prevention tobacco funds						
Total all funds	(\$1,012,194)	(\$516,870)	(\$83,130)	\$0	(\$275,000)	(\$850,000)
Less estimated income	<u>(1,012,194)</u>	<u>(516,870)</u>	<u>(83,130)</u>	<u>33,252</u>	<u>(250,000)</u>	<u>(850,000)</u>
General fund	\$0	\$0	\$0	(\$33,252)	(\$25,000)	\$0
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

	REDUCE FUNDING FOR COMPUTERS	REDUCE NUMBER OF COMPUTERS AUTHORIZED <sup>3</sup>	REDUCE FUNDING FOR EQUIPMENT	INCREASE FUNDING FOR GRANTS <sup>4</sup>	REMOVE FUNDING FOR FOOD AND FORMULA RELATING TO PKU PROGRAM <sup>5</sup>	ADD FUNDING FOR PUBLIC HEALTH UNIT GRANTS <sup>6</sup>
Salaries and wages						
Operating expenses					(\$133,997)	
Equipment	(\$101,100)	(\$50,500)	(\$25,000)			
Capital improvements						
Grants				\$120,000	(80,000)	\$76,378
Women, infants, and children food payments						
Tobacco prevention and control						
Centers for Disease Control and Prevention tobacco funds						
Total all funds	(\$101,100)	(\$50,500)	(\$25,000)	\$120,000	(\$213,997)	\$76,378
Less estimated income	<u>(78,795)</u>	<u>(37,875)</u>			<u>(156,378)</u>	<u>76,378</u>
General fund	(\$22,305)	(\$12,625)	(\$25,000)	\$120,000	(\$57,619)	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	REMOVE FUNDING FOR DONATED DENTAL SERVICES PROGRAM <sup>7</sup>	FEDERAL GRANT LINE ITEM ADJUSTMENT <sup>8</sup>	CREATE LINE ITEM FOR FEDERAL TOBACCO GRANT <sup>9</sup>	STOCKMEN'S ASSOCIATION GRANT <sup>10</sup>	TOTAL HOUSE CHANGES
Salaries and wages		(\$367,115)			(\$524,062)
Operating expenses		(525,244)			(1,534,241)
Equipment		(12,575)			(189,175)
Capital improvements					
Grants	(\$35,000)	904,934		\$50,000	(825,882)
Women, infants, and children food payments					(516,870)
Tobacco prevention and control			(\$2,369,934)		(2,369,934)
Centers for Disease Control and Prevention tobacco funds			2,369,934		2,369,934
Total all funds	(\$35,000)	\$0	\$0	\$50,000	(\$3,590,230)
Less estimated income	<u>(35,000)</u>			<u>50,000</u>	<u>(3,400,612)</u>
General fund	\$0	\$0	\$0	\$0	(\$189,618)
FTE	0.00	0.00	0.00	0.00	(2.00)

<sup>1</sup> Removes funding for one FTE position to develop total maximum daily loads (TMDL) and pollution control plans. The federal fund portion is \$49,878 and the special funds portion from the water development trust fund is \$33,252.

<sup>2</sup> Provides the funding from the water development trust fund (\$33,252) that was removed from the one TMDL position be authorized to replace general fund moneys for operating (\$28,800) and equipment (\$4,452) associated with the TMDL program.

<sup>3</sup> Reduce the number of desktop computers authorized by 31, at a cost of \$1,500 per computer and reduce the number of laptops by two, at a cost of \$2,000 per machine. The breakdown for the computers is 25 percent general fund and 75 percent other funds.

<sup>4</sup> Increases funding from the general fund for domestic violence grants by \$120,000, from \$90,000 to \$210,000.

<sup>5</sup> Removes \$80,000 of funding from the community health trust fund under the grants line item, which was added by the Senate, and \$133,997 under the operating line item for food and formula relating to phenylketonuria (PKU). It is the intent of this amendment that the PKU food and formula program will be transferred to the Department of Human Services.

<sup>6</sup> Provides additional funding authority for grants to public health units from maternal and child health block grant federal funds.

<sup>7</sup> Removes funding from the community health trust fund for the donated dental services program. It also removes a section in the bill relating to the program.

<sup>8</sup> Adjustment to the salaries, operating, equipment, and grants line items to reflect the actual budget breakdown of the Centers for Disease Control and Prevention grant. An amendment was made in the Senate to transfer the federal grant dollars to a tobacco prevention and control line item, in which the entire transfer was made from the grants line item.

<sup>9</sup> Creates a separate line item for funding from the Centers for Disease Control and Prevention for statewide tobacco prevention and control. This provides separate line items for the tobacco prevention moneys from the community health trust fund and the Centers for Disease Control and Prevention.

<sup>10</sup> This amendment appropriates \$50,000 from the Attorney General refund fund for a grant to the North Dakota Stockmen's Association for developing and beginning to implement a plan to reduce the potential environmental impact from livestock operations and for matching federal Environmental Protection Agency 319 funds.

### REPORT OF STANDING COMMITTEE

**SB 2011, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 1, after "patrol" insert "; and to provide a statement of legislative intent"

Page 1, line 12, replace "21,159,321" with "7,429,443"

Page 1, line 13, replace "12,083,781" with "25,813,659"

Page 1, remove lines 14 through 18

Page 2, after line 2, insert:

**"SECTION 3. LEGISLATIVE INTENT - PERFORMANCE MEASURE MONITORING.** It is the intent of the legislative assembly that the highway patrol monitor its actual to planned expenditures and its actual to projected performance measures by program for the biennium beginning July 1, 2001, and ending June 30, 2003. The highway patrol shall make this information available as requested by the appropriations committees of the fifty-eighth legislative assembly."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Dept. 504 - Highway Patrol - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$20,690,143			
Operating expenses	6,218,000			
Equipment	1,285,000			
Capital improvements	50,000			
Grants	5,000,000			
Administration		\$2,164,675		\$2,164,675
Field operations		30,095,704		30,095,704
Law Enforcement Training Academy		982,723		982,723
Total all funds	\$33,243,143	\$33,243,102	\$0	\$33,243,102
Less estimated income	<u>21,159,342</u>	<u>21,159,321</u>	<u>(13,729,878)</u>	<u>7,429,443</u>
General fund	\$12,083,801	\$12,083,781	\$13,729,878	\$25,813,659
FTE	196.00	196.00	0.00	196.00

##### Dept. 504 - Highway Patrol - Detail of House Changes

	CHANGE FUNDING SOURCE <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements		
Grants		
Administration		
Field operations		
Law Enforcement Training Academy		
Total all funds	\$0	\$0
Less estimated income	<u>(13,729,878)</u>	<u>(13,729,878)</u>
General fund	\$13,729,878	\$13,729,878
FTE	0.00	0.00

<sup>1</sup> This amendment removes funding of \$13,729,878 from the highway fund and replaces it with \$13,729,878 from the general fund. Related Section 2 is also removed.

A section is added providing that the Highway Patrol monitor its actual to planned expenditures and its actual to projected performance measures for each of its programs during the 2001-03 biennium.

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

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

**SB 2001:** Reps. Byerly; Skarphol; Glassheim  
**SB 2002:** Reps. Carlisle; Koppelman; Huether  
**SB 2008:** Reps. Carlisle; B. Thoreson; Glassheim  
**SB 2177:** Reps. Haas; Hawken; Mueller  
**SB 2220:** Reps. Koppelman; Delzer; Kerzman  
**SB 2328:** Reps. Herbel; Renner; Kroeber  
**SB 2345:** Reps. Nottestad; F. Klein; Hanson

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:



**HB 1001:** Sens. Kringstad; Schobinger; Tallackson

**HB 1024:** Sens. Bowman; Solberg; Tomac

**HB 1197:** Sens. Thane; Holmberg; Heitkamp

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

**HB 1058, as engrossed:** Your conference committee (Sens. Cook, Wanzek, Christenson and Reps. Nelson, Bellew, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 839 and place HB 1058 on the Seventh order.

That the Senate recede from its amendments as printed on page 839 of the House Journal and page 718 of the Senate Journal and that Engrossed House Bill No. 1058 be amended as follows:

Page 1, line 1, replace "creation of a duplicative payment fund and the distribution" with "transfer"

Page 1, line 4, replace "**payment fund - Creation**" with "**payments - Transfer**" and after "**Distribution**" insert "**- Report to budget section**"

Page 1, remove line 5

Page 1, line 6, remove "2."

Page 1, line 8, remove "and if at the time the superintendent receives"

Page 1, remove line 9

Page 1, line 10, remove "session", replace "deposit" with "transfer", and replace "in the duplicative payment" with "to the state tuition"

Page 1, line 11, replace "subsection" with "section"

Page 1, line 12, after the period insert "The superintendent shall report annually to the budget section of the legislative council regarding any transfers under this section."

Page 1, remove lines 13 through 17

Renumber accordingly

Engrossed HB 1058 was placed on the Seventh order of business on the calendar.

#### **MOTION**

**REP. MONSON MOVED** that the absent members be excused, which motion prevailed.

#### **MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Friday, April 6, 2001, which motion prevailed.

The House stood adjourned pursuant to Representative Monson's motion.

**MARK L. JOHNSON, Chief Clerk**

