

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, April 18, 2001

The House convened at 12:30 p.m., with Speaker Bernstein presiding.

The prayer was offered by Pastor Laurie Natwick, Good Shepherd Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Aarsvold, Boehm, Gunter, Lloyd, and Nicholas.

A quorum was declared by the Speaker.

## CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1415 as printed on HJ page 980 and that a conference committee be appointed to meet with a like committee from the Senate.

## APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1415: Reps. Porter, Weiler, Metcalf.

## APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointments to a new Conference Committee on SB 2012: Reps. Koppelman, Carlisle, Glassheim.

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. SKARPHOL MOVED** that the conference committee report on HB 1009 be adopted, which motion prevailed on a verification vote.

HB 1009, as amended, was placed on the Eleventh order.

## SECOND READING OF HOUSE BILL

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to provide project safe seed user fees; and to amend and reenact sections 4-01-21, 19-18-02.1, and 19-18-04 of the North Dakota Century Code and to amend and reenact the new section to chapter 4-35 of the North Dakota Century Code as created by section 3 of House Bill No. 1328, as approved by the fifty-seventh legislative assembly, relating to the salary of the agriculture commissioner, the membership of the crop protection product harmonization and registration board, uses of the environment and rangeland protection fund, and pesticide registration fees.

## 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 77 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Boucher; Cleary; Ekstrom; Fairfield; Glassheim; Gulleon; Hawken; Hunsakor; Keiser; Kelsh, S.; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Onstad; Schmidt; Solberg; Thorpe; Warner

**ABSENT AND NOT VOTING:** Nicholas

Reengrossed HB 1009 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DROVDAL MOVED** that the conference committee report on Reengrossed SB 2086 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2086, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2086:** A BILL for an Act to amend and reenact section 57-15-17.1 of the North Dakota Century Code, relating to multiyear asbestos abatement and lead paint removal.

**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 89 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nicholas

Reengrossed SB 2086 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on Reengrossed SB 2124 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2124, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2124:** A BILL for an Act to create and enact a new subsection to section 23-25-01, a new subsection to section 23-25-03, and a new subsection to section 23-25-05 of the North Dakota Century Code, relating to lead-based paint remediation and abatement; to amend and reenact section 23-25-03.1 of the North Dakota Century Code, relating to lead-based paint remediation and abatement; 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 91 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; 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; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Byerly; Carlson; Froelich; Grande; Lemieux; Skarphol

**ABSENT AND NOT VOTING:** Nicholas

Reengrossed SB 2124 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1007, as engrossed:** Your conference committee (Sens. Grindberg, Andrist, Lindaas and Reps. Koppelman, Skarphol, Huether) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1222 and place HB 1007 on the Seventh order.

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1007 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1007, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; 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; Gulletson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; 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:** Nicholas

Engrossed HB 1007 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1444, as engrossed:** Your conference committee (Sens. Cook, Flakoll, Christenson and Reps. Brusegaard, Haas, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1287-1288, adopt further amendments as follows, and place HB 1444 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1287 and 1288 of the House Journal and pages 889 and 890 of the Senate Journal and that Engrossed House Bill No. 1444 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a student loan forgiveness program to individuals preparing to teach at grade levels or in content areas having declared teacher shortages.

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

##### SECTION 1. Loans - Teacher shortages - Loan forgiveness.

1. The state board of higher education shall administer a student loan forgiveness program for individuals teaching at grade levels or in content areas identified as having a teacher shortage. The board shall adopt rules to implement the program.
2. The superintendent of public instruction shall annually identify the grade levels and content areas in which a teacher shortage exists.

3. To be eligible for loan forgiveness under this section, an individual:
  - a. Must have been admitted as a full-time student in a teacher preparation program, with the declared intention to teach at a grade level or in a content area identified by the superintendent of public instruction as one in which a teacher shortage exists; and
  - b. Must have obtained a student loan.
4. An individual may receive up to one thousand dollars per year and a maximum of five thousand dollars under this section.
5. The board shall consider all applications under this section in chronological order.
6. Upon notification that the individual has completed a full year of teaching in a school district or nonpublic school in this state at a grade level or in a content area identified by the superintendent of public instruction as one in which a teacher shortage exists, the board shall distribute funds directly to the bank of North Dakota to repay outstanding loan principal balances for eligible applicants.

**SECTION 2. STUDENT LOAN FORGIVENESS FUNDING.** The funds appropriated in the student grant programs line item included in subdivision 1 of section 1 of Senate Bill No. 2003, include \$250,000 from the general fund for providing loan forgiveness as authorized in section 1 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

Engrossed HB 1444 was placed on the Seventh order of business on the calendar.

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

**REP. BRUSEGAARD MOVED** that the conference committee report on Reengrossed HB 1444 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1444, as amended, was placed on the Eleventh order.

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

**HB 1444:** A BILL for an Act to provide for a student loan forgiveness program to individuals preparing to teach at grade levels or in content areas having declared teacher shortages.

#### **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 85 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Byerly; Carlson; Delzer; Galvin; Grande; Grosz; Klein, M.; Lloyd; Ruby; Skarphol; Weiler

**ABSENT AND NOT VOTING:** Nicholas

Reengrossed HB 1444 passed and the title was agreed to.

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**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1024, HB 1025, HB 1099, HB 1141, HB 1220, HB 1283, HB 1385, HB 1451.

**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 1024, HB 1025, HB 1099, HB 1141, HB 1220, HB 1283, HB 1385, HB 1451.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: SB 2001, SB 2007, SB 2008, SB 2013, SB 2039, SB 2054, SB 2067, SB 2104, SB 2106, SB 2177, SB 2181, SB 2220, SB 2244, SB 2251, SB 2282, SB 2287, SB 2308, SB 2328, SB 2397, SB 2419, SB 2427, SB 2449, SB 2455, SCR 4050, SCR 4051, SCR 4052.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2001, SB 2007, SB 2008, SB 2013, SB 2039, SB 2054, SB 2067, SB 2104, SB 2106, SB 2177, SB 2181, SB 2220, SB 2244, SB 2251, SB 2282, SB 2287, SB 2308, SB 2328, SB 2397, SB 2419, SB 2427, SB 2449, SB 2455, SCR 4050, SCR 4051, SCR 4052.

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

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

**SB 2012:** Reps. Koppelman; Carlisle; Glassheim

**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 1415 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1415:** Reps. Porter; Weiler; Metcalf

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

**MR. PRESIDENT:** The House has adopted the conference committee reports on HB 1007, HB 1009, and HB 1444.

**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: SB 2086, SB 2124.

**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 2217.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1441.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1012.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012**

Page 1, line 3, after the first semicolon insert "to provide for a legislative council study;"

Page 1, line 5, after the semicolon insert "to provide for basic care facility rates;"

Page 1, line 6, remove "and"

Page 1, line 7, after "reenact" insert "subsection 2 of section 25-02-01.1 and" and after "to" insert "compensation for members of the state hospital governing board and"

Page 1, line 8, after "reimbursements" insert "; and to declare an emergency"

Page 2, line 5, replace "10,920,080" with "11,679,203"

Page 2, line 6, replace "17,169,938" with "17,297,140"

Page 2, line 9, replace "134,389,148" with "126,574,490"

Page 2, line 10, replace "718,078,659" with "734,826,875"

Page 2, line 11, replace "880,578,318" with "890,398,201"

Page 2, line 12, replace "671,393,327" with "677,877,772"

Page 2, line 13, replace "209,184,991" with "212,520,429"

Page 2, line 16, replace "10,546,892" with "9,650,689"

Page 2, line 17, replace "11,465,354" with "11,388,152"

Page 2, line 20, replace "133,362,788" with "132,341,763"

Page 2, line 21, replace "155,429,551" with "153,435,121"

Page 2, line 22, replace "124,743,392" with "123,325,366"

Page 2, line 23, replace "30,686,159" with "30,109,755"

Page 3, line 5, replace "8,207,410" with "8,122,652"

Page 3, line 6, replace "3,638,811" with "3,598,587"

Page 3, line 7, replace "4,568,599" with "4,524,065"

Page 3, line 9, replace "18,852,059" with "18,602,059"

Page 3, line 11, replace "7,657,031" with "7,407,031"

Page 3, line 14, replace "19,695,629" with "19,640,332"

Page 3, line 15, replace "20,268,753" with "20,213,456"

Page 3, line 16, replace "11,124,027" with "11,119,701"

Page 3, line 17, replace "9,144,726" with "9,093,755"

Page 3, line 19, replace "11,207,210" with "11,128,925"

Page 3, line 20, replace "5,502,095" with "5,466,466"

Page 3, line 21, replace "5,705,115" with "5,662,459"

Page 3, line 27, replace "9,618,722" with "9,535,626"

Page 3, line 28, replace "5,161,574" with "5,127,922"

Page 3, line 29, replace "4,457,148" with "4,407,704"

Page 4, line 2, replace "50,265,299" with "50,154,275"

Page 4, line 3, replace "51,235,475" with "51,124,451"

Page 4, line 5, replace "33,274,332" with "33,163,308"

Page 4, line 12, replace "201,053,372" with "200,390,912"

Page 4, line 13, replace "104,935,651" with "104,821,820"

Page 4, line 14, replace "96,117,721" with "95,569,092"

Page 4, line 15, replace "354,044,220" with "356,254,625"

Page 4, line 16, replace "932,687,865" with "937,640,453"

Page 4, line 17, replace "1,286,732,085" with "1,293,895,078"

Page 5, remove lines 28 through 31

Page 6, remove lines 1 and 2

Page 7, after line 4, insert:

**"SECTION 16. LEGISLATIVE INTENT - PAYMENT SCHEDULE FOR CRITICAL ACCESS HOSPITALS.** It is the intent of the legislative assembly that the department of human services implement a charge-based payment schedule for critical access hospitals, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 17. LEGISLATIVE COUNCIL STUDY - STATE ADMINISTRATION OF CHILD SUPPORT.** The legislative council shall consider studying, during the 2001-02 interim, the feasibility and desirability of state administration of child support, including the fiscal effect on counties and the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

**SECTION 18. COMPULSIVE GAMBLING SERVICES - CONTINGENT FUNDING.** The operating expenses line item in subdivision 3 of section 1 of this Act includes \$150,000 from the general fund for compulsive gambling services. The department of human services may spend \$50,000 of this funding for compulsive gambling services only if the mental health association of North Dakota certifies to the department of human services that it has received at least \$220,000 of funding from Indian gaming sources for compulsive gambling services during the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 19. STATE HOSPITAL LANDFILL CLOSURE - PROJECTED SAVINGS.** During the second year of the biennium beginning July 1, 2001, and ending June 30, 2003, the state hospital may use projected savings from other areas of the state hospital budget for the costs of closing the state hospital landfill. The state hospital may transfer appropriation authority between line items to provide the funding needed for the project, subject to emergency commission and budget section approval.

**SECTION 20. Basic care facility private room rates.** The department of human services shall allow a basic care facility to charge a higher rate for a private room used by a recipient of benefits under chapter 50-24.5 if the private room is not necessary to meet the resident's care needs; the resident, or a person acting on behalf of the resident, has requested the private room and the facility informs the person making the request, at the time of the request, of the amount of payment and that the payment must come from sources other than a resident's monthly income; and the payment does not exceed the amount charged to private pay residents.

**SECTION 21. AMENDMENT.** Subsection 2 of section 25-02-01.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The department, in consultation with the state hospital, shall create a state hospital governing body and shall by rules describe the powers and duties of the governing body. The department shall compensate members not employed by the department in the amount of ~~sixty-two one hundred dollars and fifty cents~~ per day and reimburse members for expenses incurred in attending meetings in the amounts provided by sections 44-08-04 and 54-06-09."

Page 7, line 15, replace "eighty-five" with "ninety-three"

Page 7, line 20, after the semicolon insert "and"

Page 8, line 4, after the first "line" insert ", except for criteria relating to phenylketonuria treatment services for which income is not to be considered when determining eligibility"

Page 8, after line 5, insert:

**"SECTION 24. EMERGENCY.** Section 20 of this Act is declared to be an emergency measure. The department of human services shall authorize the basic care facility private room rate through emergency rulemaking."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1012 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Department of Human Services - Management				
Total all funds	\$60,522,444	\$49,670,844	\$0	\$49,670,844
Less estimated income	40,824,823	31,615,495		31,615,495
General fund	\$19,697,621	\$18,055,349	\$0	\$18,055,349
Department of Human Services - Economic Assistance				
Total all funds	\$928,758,489	\$880,578,318	\$9,819,883	\$890,398,201
Less estimated income	740,502,079	671,393,327	6,484,445	677,877,772
General fund	\$188,256,410	\$209,184,991	\$3,335,438	\$212,520,429
Department of Human Services - Program and Policy				
Total all funds	\$164,255,080	\$155,429,551	(\$1,994,430)	\$153,435,121
Less estimated income	129,295,937	124,743,392	(1,418,026)	123,325,366
General fund	\$34,959,143	\$30,686,159	(\$576,404)	\$30,109,755
Department of Human Services - State Hospital				
Total all funds	\$52,174,730	\$51,235,475	(\$111,024)	\$51,124,451
Less estimated income	18,374,398	17,961,143		17,961,143
General fund	\$33,800,332	\$33,274,332	(\$111,024)	\$33,163,308
Department of Human Services - Developmental Center				
Total all funds	\$41,022,887	\$40,687,887	\$0	\$40,687,887
Less estimated income	30,233,607	30,020,107		30,020,107
General fund	\$10,789,280	\$10,667,780	\$0	\$10,667,780
Department of Human Services - Northwest Human Service Center				
Total all funds	\$8,328,987	\$8,157,433	\$0	\$8,157,433
Less estimated income	4,155,537	4,083,037		4,083,037
General fund	\$4,173,450	\$4,074,396	\$0	\$4,074,396
Department of Human Services - North Central Human Service Center				
Total all funds	\$14,407,527	\$14,201,485	\$0	\$14,201,485
Less estimated income	5,892,990	5,797,056		5,797,056
General fund	\$8,514,537	\$8,404,429	\$0	\$8,404,429
Department of Human Services - Lake Region Human Service Center				
Total all funds	\$8,259,010	\$8,207,410	(\$84,758)	\$8,122,652
Less estimated income	3,658,411	3,638,811	(40,224)	3,598,587
General fund	\$4,600,599	\$4,568,599	(\$44,534)	\$4,524,065
Department of Human Services - Northeast Human Service Center				
Total all funds	\$19,082,759	\$18,852,059	(\$250,000)	\$18,602,059
Less estimated income	11,282,528	11,195,028		11,195,028
General fund	\$7,800,231	\$7,657,031	(\$250,000)	\$7,407,031
Department of Human Services - Southeast Human Service Center				
Total all funds	\$20,387,053	\$20,268,753	(\$55,297)	\$20,213,456
Less estimated income	11,146,427	11,124,027	(4,326)	11,119,701
General fund	\$9,240,626	\$9,144,726	(\$50,971)	\$9,093,755
Department of Human Services - South Central Human Service Center				
Total all funds	\$11,314,710	\$11,207,210	(\$78,285)	\$11,128,925
Less estimated income	5,531,495	5,502,095	(35,629)	5,466,466
General fund	\$5,783,215	\$5,705,115	(\$42,656)	\$5,662,459
Department of Human Services - West Central Human Service Center				
Total all funds	\$18,918,235	\$18,616,938	\$0	\$18,616,938
Less estimated income	10,490,557	10,452,773		10,452,773
General fund	\$8,427,678	\$8,164,165	\$0	\$8,164,165
Department of Human Services - Badlands Human Service Center				
Total all funds	\$9,669,122	\$9,618,722	(\$83,096)	\$9,535,626
Less estimated income	5,165,874	5,161,574	(33,652)	5,127,922
General fund	\$4,503,248	\$4,457,148	(\$49,444)	\$4,407,704
Bill Total				
Total all funds	\$1,357,101,033	\$1,286,732,085	\$7,162,993	\$1,293,895,078
Less estimated income	1,016,554,663	932,687,865	4,952,588	937,640,453
General fund	\$340,546,370	\$354,044,220	\$2,210,405	\$356,254,625

### House Bill No. 1012 - Department of Human Services - Management - Senate Action

The Senate did not change the House version.

### House Bill No. 1012 - Department of Human Services - Economic Assistance - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES <sup>1</sup>	SENATE VERSION
Salaries and wages	\$11,126,095	\$10,920,080	\$759,123	\$11,679,203
Operating expenses	17,889,079	17,169,938	127,202	17,297,140
Equipment	17,950	17,950		17,950
Capital improvements	2,543	2,543		2,543
Grants - Assistance payments	134,790,705	134,389,148	(7,814,658)	126,574,490
Grants - Medical	756,354,293	718,078,659	16,748,216	734,826,875



assistance				
Health care trust fund	<u>8,577,824</u>			
Total all funds	\$928,758,489	\$880,578,318	\$9,819,883	\$890,398,201
Less estimated income	<u>740,502,079</u>	<u>671,393,327</u>	<u>6,484,445</u>	<u>677,877,772</u>
General fund	\$188,256,410	\$209,184,991	\$3,335,438	\$212,520,429
FTE	130.80	127.80	9.00	136.80

<sup>1</sup> Economic Assistance - Senate changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b>Economic Assistance Policy Program</b> Restores \$196,000 of the \$387,095 reduced by the House for grants relating to the Indian county allocation. The Senate version increases the formula allocation by 8 percent, from 85 to 93 percent. Total funding of \$2,580,884 is provided, \$512,877 of which is from the general fund.		\$196,000		\$196,000
<b>Child Support Program</b> No changes				
<b>Medical Services Program</b> Adds funding for medical assistance grants to increase the optometric fee payment by \$15, from \$31 to \$46		59,620	\$139,114	198,734
Adds DD grants funding to increase the average wage for community provider direct care workers by an additional 20 cents per hour. The House provided funding to increase the average wage for these workers by 10 cents per hour.		969,094	2,027,930	2,997,024
Adds DD grants funding to increase the fringe benefit percentage allowed for community providers by 3 percent, from 30 to 33 percent		868,264	1,810,844	2,679,108
Funding for basic care grants of \$8,010,658 of federal and special funds is moved from the assistance payments grants line item to the medical assistance grants line item to provide additional flexibility for the department to use funding for basic care costs or nursing facility costs, depending on the needs of the individual				
Consolidates the children's special health services program into the medical services program	10.00	801,404	1,418,026	2,219,430
Removes the children's special health services program director position	(1.00)	(58,944)	(78,136)	(137,080)
Adds funding for medical assistance grants. The House removed the \$25 million of funding included in the executive budget from the health care trust fund for state matching for medical assistance grants and provided \$21 million from the general fund, resulting in a \$4 million reduction in state matching grants funding. This amendment restores \$500,000 of the \$4,000,000 reduction.		500,000	1,166,667	1,666,667
<b>Total Senate changes - Economic Assistance</b>	9.00	\$3,335,438	\$6,484,445	\$9,819,883

A section of legislative intent is added providing that the department implement a charge-based payment schedule for critical access hospitals.

This amendment removes a section of legislative intent added by the House providing that the Department of Human Services and the State Department of Health seek a federal waiver to allow the state to spend less than 30 percent of its federal maternal and child health block grant for children with special health care needs.

A provision is added to allow individuals with phenylketonuria (PKU) to receive treatment services regardless of income.

Provisions of Senate Bill No. 2239 provide that the Department of Human Services assist individuals with phenylketonuria (PKU) to purchase food and formula. Funding for these services is to be provided within the funding levels authorized for children's special health services within the medical services program.

A section is added providing for a Legislative Council study of state administration of child support.

Sections are added allowing, as an emergency measure, basic care facilities to charge a higher rate for private rooms.

#### House Bill No. 1012 - Department of Human Services - Program and Policy - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES <sup>1</sup>	SENATE VERSION
Salaries and wages	\$10,546,892	\$10,546,892	(\$896,203)	\$9,650,689
Operating expenses	11,658,081	11,465,354	(77,202)	11,388,152
Equipment	53,728	53,728		53,728
Capital improvements	789	789		789
Grants	<u>141,995,590</u>	<u>133,362,788</u>	<u>(1,021,025)</u>	<u>132,341,763</u>

Total all funds	\$164,255,080	\$155,429,551	(\$1,994,430)	\$153,435,121
Less estimated income	<u>129,295,937</u>	<u>124,743,392</u>	<u>(1,418,026)</u>	<u>123,325,366</u>
General fund	\$34,959,143	\$30,686,159	(\$576,404)	\$30,109,755
FTE	112.50	112.50	(10.00)	102.50

<sup>1</sup> Program and Policy - Senate changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b>Aging Services Program</b> Restores \$100,000 of the \$350,000 removed by the House for senior citizen mill levy matching grants. Funding of \$1,412,945 from the general fund remains in this bill. Additional funding of \$250,000 from the health care trust fund is included in House Bill No. 1196. Combined, these bills provide a total of \$1,662,945 for these grants, the same amount recommended in the executive budget, and an increase of \$400,000 compared to the 1999-2001 appropriation.		\$100,000		\$100,000
<b>Children's Special Health Services Program</b> Consolidates the children's special health services program into the medical services program	(10.00)	(801,404)	(\$1,418,026)	(2,219,430)
<b>Children and Family Services Program</b> No changes				
<b>Mental Health and Substance Abuse Program</b> Restores operating expense funding reduced by the House for compulsive gambling services to provide a total of \$150,000 from the general fund. A section is added providing that the additional \$50,000 may be spent only if the Mental Health Association receives at least \$220,000 of funding from Indian gaming sources for compulsive gambling services during the 2001-03 biennium.		50,000		50,000
<b>Developmental Disabilities Program</b> No changes				
<b>Vocational Rehabilitation Program</b> Increases grants funding to restore \$75,000 of the \$300,000 of funding from the general fund reduced by the House for independent living centers. Additional funding of \$100,000 from the health care trust fund for independent living center grants is included in House Bill No. 1196.		75,000		75,000
<b>Total Senate changes - Program and Policy</b>	(10.00)	(\$576,404)	(\$1,418,026)	(\$1,994,430)

### House Bill No. 1012 - Department of Human Services - State Hospital - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES <sup>1</sup>	SENATE VERSION
Capital improvements	\$1,683,431	\$970,176		\$970,176
Human service centers/institutions	<u>50,491,299</u>	<u>50,265,299</u>	<u>(\$111,024)</u>	<u>50,154,275</u>
Total all funds	\$52,174,730	\$51,235,475	(\$111,024)	\$51,124,451
Less estimated income	<u>18,374,398</u>	<u>17,961,143</u>		<u>17,961,143</u>
General fund	\$33,800,332	\$33,274,332	(\$111,024)	\$33,163,308
FTE	511.00	511.00	(2.00)	509.00

<sup>1</sup>

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b>State Hospital - Senate changes</b>				
Removes a vacant nurse position	(1.00)	(\$55,512)		(\$55,512)
Removes a vacant social worker position	<u>(1.00)</u>	<u>(55,512)</u>		<u>(55,512)</u>
<b>Total Senate changes - State Hospital</b>	(2.00)	(\$111,024)	\$0	(\$111,024)

A section is added increasing per diem for members of the State Hospital Governing Board by \$37.50 per day, from \$62.50 to \$100 per day.

A section is added authorizing the State Hospital to close its landfill if funding becomes available within its 2001-03 biennium appropriation.

### House Bill No. 1012 - Department of Human Services - Developmental Center - Senate Action

The Senate did not change the House version.

### House Bill No. 1012 - Human Service Centers - General Fund Summary

EXECUTIVE	HOUSE	SENATE	SENATE
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	BUDGET	VERSION	CHANGES <sup>1</sup>	VERSION
Department of Human Services - Northwest Human Service Center	\$4,173,450	\$4,074,396		\$4,074,396
Department of Human Services - North Central Human Service Center	8,514,537	8,404,429		8,404,429
Department of Human Services - Lake Region Human Service Center	4,600,599	4,568,599	(\$44,534)	4,524,065
Department of Human Services - Northeast Human Service Center	7,800,231	7,657,031	(250,000)	7,407,031
Department of Human Services - Southeast Human Service Center	9,240,626	9,144,726	(50,971)	9,093,755
Department of Human Services - South Central Human Service Center	5,783,215	5,705,115	(42,656)	5,662,459
Department of Human Services - West Central Human Service Center	8,427,678	8,164,165		8,164,165
Department of Human Services - Badlands Human Service Center	4,503,248	4,457,148	(49,444)	4,407,704
Total general fund	\$53,043,584	\$52,175,609	(\$437,605)	\$51,738,004

**House Bill No. 1012 - Human Service Centers - Other Funds Summary**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES <sup>1</sup>	SENATE VERSION
Department of Human Services - Northwest Human Service Center	\$4,155,537	\$4,083,037		\$4,083,037
Department of Human Services - North Central Human Service Center	5,892,990	5,797,056		5,797,056
Department of Human Services - Lake Region Human Service Center	3,658,411	3,638,811	(\$40,224)	3,598,587
Department of Human Services - Northeast Human Service Center	11,282,528	11,195,028		11,195,028
Department of Human Services - Southeast Human Service Center	11,146,427	11,124,027	(4,326)	11,119,701
Department of Human Services - South Central Human Service Center	5,531,495	5,502,095	(35,629)	5,466,466
Department of Human Services - West Central Human Service Center	10,490,557	10,452,773		10,452,773
Department of Human Services - Badlands Human Service Center	5,165,874	5,161,574	(33,652)	5,127,922
Total other funds	\$57,323,819	\$56,954,401	(\$113,831)	\$56,840,570

**House Bill No. 1012 - Human Service Centers - All Funds Summary**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES <sup>1</sup>	SENATE VERSION
Department of Human Services - Northwest Human Service Center	\$8,328,987	\$8,157,433		\$8,157,433
Department of Human Services - North Central Human Service Center	14,407,527	14,201,485		14,201,485
Department of Human Services - Lake Region Human Service Center	8,259,010	8,207,410	(\$84,758)	8,122,652
Department of Human Services - Northeast Human Service Center	19,082,759	18,852,059	(250,000)	18,602,059
Department of Human Services - Southeast Human Service Center	20,387,053	20,268,753	(55,297)	20,213,456
Department of Human Services - South Central Human Service Center	11,314,710	11,207,210	(78,285)	11,128,925
Department of Human Services - West Central Human Service Center	18,918,235	18,616,938		18,616,938
Department of Human Services - Badlands Human Service Center	9,669,122	9,618,722	(83,096)	9,535,626
Total all funds	\$110,367,403	\$109,130,010	(\$551,436)	\$108,578,574
FTE	904.33	899.33	(4.00)	895.33

<sup>1</sup> Human service centers changes include:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b>Northwest Human Service Center - Senate changes</b> No changes				
<b>North Central Human Service Center - Senate changes</b> No changes				
<b>Lake Region Human Service Center - Senate changes</b> Removes a vacant position - The center may determine the specific position to remove.	(1.00)	(\$44,534)	(\$40,224)	(\$84,758)
<b>Northeast Human Service Center - Senate changes</b> Reduces general fund support - The center may determine the specific areas to reduce.		(\$250,000)		(\$250,000)
<b>Southeast Human Service Center - Senate changes</b> Removes a vacant office assistant III	(1.00)	(\$50,971)	(\$4,326)	(\$55,297)
<b>South Central Human Service Center - Senate changes</b> Removes a vacant addition counselor	(1.00)	(\$42,656)	(\$35,629)	(\$78,285)
<b>West Central Human Service Center - Senate changes</b> No changes				
<b>Badlands Human Service Center - Senate changes</b> Removes a vacant human relations counselor II	(1.00)	(\$49,444)	(\$33,652)	(\$83,096)

**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 1407:** Sens. Espegard; Mutch; Every

**REPORT OF CONFERENCE COMMITTEE**

**HB 1004, as engrossed:** Your conference committee (Sens. Kringstad, Schobinger, Tallackson and Reps. Skarphol, B. Thoreson, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1316, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on page 1316 of the House Journal and pages 1170 and 1171 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, line 10, replace "5,855,615" with "5,872,615"

Page 1, line 11, replace "745,320" with "760,320"

Page 1, line 13, replace "6,679,905" with "6,711,905"

Page 1, line 15, replace "4,534,068" with "4,566,068"

ReNUMBER accordingly

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

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$5,716,616	\$5,855,615	\$17,000	\$5,872,615	\$5,802,615	\$70,000
Operating expenses	775,320	745,320	15,000	760,320	775,320	(15,000)
Equipment	78,970	78,970		78,970	78,970	
Total all funds	\$6,570,906	\$6,679,905	\$32,000	\$6,711,905	\$6,656,905	\$55,000
Less estimated income	<u>2,145,837</u>	<u>2,145,837</u>		<u>2,145,837</u>	<u>2,145,837</u>	
General fund	\$4,425,069	\$4,534,068	\$32,000	\$4,566,068	\$4,511,068	\$55,000
FTE	53.00	55.00	0.00	55.00	54.00	1.00

**Dept. 117 - State Auditor - Detail of Conference Committee Changes**

	ADD FUNDING FOR ADDITIONAL SALARY ADJUSTMENTS <sup>1</sup>	RESTORE FUNDING FOR OPERATING EXPENSES <sup>2</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$17,000		\$17,000
Operating expenses		\$15,000	15,000
Equipment			
Total all funds	\$17,000	\$15,000	\$32,000
Less estimated income			
General fund	\$17,000	\$15,000	\$32,000
FTE	0.00	0.00	0.00

<sup>1</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 Conference Committee did not change the Senate recommendation to increase funding for this purpose by \$17,000, to provide a total of \$52,000.

<sup>2</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 restored the \$30,000 for operating expenses. The Conference Committee amendment adds \$15,000 for operating expenses, \$15,000 less than the Senate version.

The Conference Committee amendment includes funding for 55 FTE positions, two FTEs more than the Schafer and Hoeven executive recommendations. The House added the two FTE positions removed in the executive recommendation; the Senate added only one of the positions.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1294:** Your conference committee (Sens. Christmann, Stenehjem, Nichols and Reps. Jensen, L. Thoreson, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 888, adopt further amendments as follows, and place HB 1294 on the Seventh order:

That the Senate recede from its amendments as printed on page 888 of the House Journal and page 761 of the Senate Journal and that House Bill No. 1294 be amended as follows:

Page 1, line 3, replace "section" with "sections" and after "39-18-03" insert ", 39-22-12, and subsection 2 of section 57-55-11"

Page 1, line 4, after "home" insert ", an exemption from the motor vehicle dealer licensing law for house car dealers, manufacturers, and distributors, and moving permits for mobile homes"

Page 2, line 1, replace "2" with "3"

Page 2, after line 20, insert:

**"SECTION 2. AMENDMENT.** Section 39-22-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-12. Officers to administer chapter - House car dealer, manufacturer, and distributor exemption.** The director and any duly authorized representative shall be responsible for the administration of ~~the provisions of this chapter.~~ This chapter does not apply to house car dealers, manufacturers, and distributors."

Page 2, line 23, after "title" insert "- Limitation on tax liability of bona fide new owner"

Page 2, line 26, after "paid" insert "or that the bona fide new owner does not have any unpaid tax obligation on the mobile home"

Page 2, line 29, after the underscored period insert "A bona fide new owner of a mobile home for which verification of tax payment is required by this section is not liable for more than the tax levied upon the mobile home for the current year and the most recent preceding year for which the obligation accrued against a previous owner of the mobile home. For purposes of this section, "bona fide new owner" does not include a person who acquired ownership from the previous owner in a manner that shows an intent to evade a tax obligation on the mobile home.

**SECTION 4. AMENDMENT.** Subsection 2 of section 57-55-11 of the North Dakota Century Code is amended and reenacted as follows:

2. Before a mobile home is moved from its existing location, a moving permit must be obtained by the owner from the county director of tax equalization indicating that all taxes, penalties, and interest levied against the owner of the mobile home have been paid. A mobile home moving permit may not be denied to the bona fide new owner of a mobile home who has no unpaid tax obligation on the mobile home under section 3 of this Act. While the mobile home is being transported, the moving permit must be displayed on the rear of the mobile home. Any person who violates this provision is guilty of an infraction, for which a fine of no less than one hundred dollars and no more than five hundred dollars may be imposed."

Renumber accordingly

HB 1294 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., Thursday, April 19, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**

