

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, April 5, 2001

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

The prayer was offered by Pastor Tom Dunham, First Lutheran Church, Bismarck.

The roll was called and all members were present except Senator Tallackson.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that SB 2224, SB 2300, SB 2315, and SB 2413 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do concur in the Senate amendments to SB 2224 as printed on SJ page 945, which motion prevailed on a voice vote.

SB 2224 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2224: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to haying of no-mow areas; to provide for a report to the legislative assembly; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2224 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do concur in the Senate amendments to SB 2300 as printed on SJ page 945, which motion prevailed on a voice vote.

SB 2300, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to create and enact three new sections to chapter 36-21.1 of the North Dakota Century Code, relating to the custody of abandoned animals; and to amend and reenact sections 36-21.1-01 and 36-21.1-06 of the North Dakota Century Code, relating to the abandonment and exposure of animals.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson;

Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2300 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the Senate amendments to Engrossed SB 2315 as printed on SJ page 1032, which motion prevailed on a voice vote.

Engrossed SB 2315, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to create and enact two new sections to chapter 58-13 of the North Dakota Century Code, relating to immunity from liability and to estrays; and to amend and reenact sections 58-13-01, 58-13-03, 58-13-04, and 58-13-05 of the North Dakota Century Code, relating to pounds and poundmasters.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

Reengrossed SB 2315 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do concur in the Senate amendments to Engrossed SB 2413 as printed on SJ page 1033, which motion prevailed on a voice vote.

Engrossed SB 2413, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2413: A BILL for an Act to create and enact a new section to chapter 60-02 and a new section to chapter 60-02.1 of the North Dakota Century Code, relating to agricultural contracts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

Reengrossed SB 2413 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

HB 1328, as reengrossed: SEN. WANZEK (Appropriations Committee) MOVED that the amendments on SJ pages 1131-1133 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1328: A BILL 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner

NAYS: Andrist; Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tomac; Watne

ABSENT AND NOT VOTING: Tallackson

Reengrossed HB 1328, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1200, as engrossed: SEN. KLEIN (Appropriations Committee) MOVED that the amendments on SJ pages 1130-1131 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to authorize the north central research extension center to purchase certain land in Ward County and to authorize the Williston research extension center to purchase certain land in Williams County, North Dakota; and to provide an appropriation.

MOTION

SEN. KREBSBACH MOVED that Engrossed HB 1200 be further amended as follows, which motion failed on a verification vote.

That the proposed amendments to Engrossed House Bill No. 1200 as printed on page 1130 of the Senate Journal be amended as follows:

Page 1130 of the Senate Journal, line 31, replace "\$60,000 from other funds" with "from the general fund in the state treasury, not otherwise appropriated, the sum of \$60,000, or so much of the sum as may be necessary"

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1200, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1395 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1003, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 1166-1170 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide for standards of practice for guardians; to require the state fire marshal to inspect buildings as requested by a political subdivision; to provide for a legislative council study; to provide statements of legislative intent; to amend and reenact section 53-06.1-12, subsection 1 of section 53-06.2-02, subsection 3 of section 53-06.2-11, sections 54-12-11, and 54-12-18 of the North Dakota Century Code, relating to gaming and excise tax collections, racing commission supervision and expenses, the salary of the attorney general, and the attorney general refund fund; to provide for retroactive application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1004, as engrossed: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 1170-1171 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1004, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1015, as engrossed: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 1171-1174 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide for various transfers and financial transactions; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide statements of legislative intent relating to state employee compensation adjustments; to provide for a reduction in fire and tornado insurance premiums; to provide for a statewide radio system planning fund assessment; 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1015, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1023, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1174-1177 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1023: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide for the sale of the land and building used by the state water commission as a maintenance shop and the purchase of new property for such use; to provide for a continuing appropriation; to provide statements of legislative intent; to create and enact a new subsection to section 61-02-14, a new section to chapter 61-02.1, and a new subsection to section 61-02.1-04 of the North Dakota Century Code, relating to funding of water development projects, repayment of bonds, and the powers and duties of the state water commission; to amend and reenact subsections 4 and 5 of section 61-01-26 and section 61-01-26.1 of the North Dakota Century Code, sections 10 and 11 of chapter 535 of the 1999 Session Laws, and section 2 of House Bill No. 1151, as approved by the fifty-seventh legislative assembly, relating to funds deposited in the water development trust fund, sharing costs for water quality protection programs, supplementing the water resources of eastern North Dakota, the statewide water development program, the expiration date for the issuance of bonds, and construction of a Devils Lake outlet; to transfer funds from the water development trust fund to the general fund; to provide requirements for the Fargo flood control project; and to provide a line of credit and an appropriation for repayment.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1023, as amended, passed and the title was agreed to.

MOTION

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

CONSIDERATION OF AMENDMENTS

HB 1196, as reengrossed: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1177-1182 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to provide for the creation of a nursing facility nurses student loan grant program; to create and enact a new subsection to section 21-10-06 of the North Dakota Century Code, relating to funds under the management of the state investment board; to amend and reenact sections 6-09.16-01, 6-09.16-02, 6-09.16-03, 6-09.16-04, 6-09.16-05, 6-09.16-06, 23-09.3-01.1, 23-16-01.1, 50-24.4-30, 50-30-01, 50-30-02, and 50-30-04 of the North Dakota Century Code, relating to the nursing facility alternative loan fund, the moratorium on the expansion of basic care bed capacity, the moratorium on the expansion of long-term care bed capacity, the government nursing facility funding pool, and nursing facility loans; to provide for a transfer from the nursing facility alternative grant fund; to provide a statement of legislative intent; to provide for a legislative council study; to provide an appropriation; to provide a continuing appropriation; to provide an expiration date; and to declare an emergency.

MOTION

SEN. G. NELSON MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

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

MOTION

SEN. CHRISTMANN MOVED that the last sentence of Senate Rule 508 be amended to read "Seventy-ninth legislative day", thereby extending the deadline for reporting bills and resolutions out of committee, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2007, SB 2013, SB 2017, SB 2106, SB 2167, SB 2244, SB 2287, SB 2347, SB 2419, SB 2449, SB 2239, SB 2124, HB 1001, HB 1024, and HB 1197 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2007 as printed on SJ pages 1124-1126 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2007: Sens. Andrist, Thane, Tomac.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2013 as printed on SJ page 1074 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2013: Sens. Bowman, Schobinger, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1126-1127 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2017: Sens. Holmberg, Grindberg, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2106 as printed on SJ pages 1028-1029 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2106: Sens. Wanzek, Flakoll, Christenson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do not concur in the House amendments to Engrossed SB 2167 as printed on SJ pages 938-944 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2167: Sens. Wanzek, Urlacher, Nichols.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do not concur in the House amendments to SB 2244 as printed on SJ page 1004 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2244: Sens. Kilzer, Krebsbach, T. Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FISCHER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2287 as printed on SJ page 1128 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2287: Sens. Fischer, Traynor, Every.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do not concur in the House amendments to SB 2347 as printed on SJ page 946 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2347: Sens. Klein, Wanzek, Nichols.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do not concur in the House amendments to SB 2419 as printed on SJ page 970 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2419: Sens. Urlacher, Erbele, Kroeplin.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FISCHER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2449 as printed on SJ pages 1034-1035 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2449: Sens. Tollefson, Fischer, Every.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2239 as printed on SJ page 1100 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2239: Sens. Fischer, Kilzer, T. Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2124 as printed on SJ pages 1070-1071 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2124: Sens. Erbele, Lee, Polovitz.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1001, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1001: Sens. Kringstad, Schobinger, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1024, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1024: Sens. Bowman, Solberg, Tomac.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1197, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1197: Sens. Thane, Holmberg, Heitkamp.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 5, 2001, I have signed the following: SB 2081, SB 2091, SB 2143, SB 2163, SB 2180, SB 2190, SB 2252, SB 2290, SB 2298, and SB 2383.

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.

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.

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 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 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 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

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.

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.

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 amended and subsequently passed: SB 2004, SB 2011, SB 2016.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

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 ³ | REDUCE FUNDING FOR EQUIPMENT | INCREASE FUNDING FOR GRANTS ⁴ | REMOVE FUNDING FOR FOOD AND FORMULA RELATING TO PKU PROGRAM ⁵ | ADD FUNDING FOR PUBLIC HEALTH UNIT GRANTS ⁶ |
| 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 ⁷ | FEDERAL GRANT LINE ITEM ADJUSTMENT ⁸ | CREATE LINE ITEM FOR FEDERAL TOBACCO GRANT ⁹ | STOCKMEN'S ASSOCIATION GRANT ¹⁰ | 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 | | | 2,369,934 | | 2,369,934 | |

| | | | | | |
|-----------------------|-----------------|------|------|---------------|--------------------|
| tobacco funds | | | | | |
| 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) |

- 1 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.
- 2 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.
- 3 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.
- 4 Increases funding from the general fund for domestic violence grants by \$120,000, from \$90,000 to \$210,000.
- 5 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.
- 6 Provides additional funding authority for grants to public health units from maternal and child health block grant federal funds.
- 7 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.
- 8 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.
- 9 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.
- 10 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.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2011

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 ¹ | 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 |

¹ 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.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2016

Page 1, line 2, after "transfers" insert "; to provide legislative intent", remove the second "and", and remove "a"

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

Page 1, line 13, replace "1,281,357" with "1,075,871"

Page 1, line 14, replace "171,447" with "152,062"

Page 1, line 15, replace "80,850" with "57,750"

Page 1, line 16, replace "1,533,654" with "1,285,683"

Page 1, line 18, replace "1,522,494" with "1,274,523"

Page 1, line 21, replace "10,819,873" with "10,647,498"

Page 1, line 22, replace "5,031,382" with "4,891,907"

Page 1, line 23, replace "217,050" with "119,700"

Page 1, line 24, replace "707,747" with "671,427"

Page 2, line 2, replace "21,189,929" with "20,744,409"

Page 2, line 3, replace "7,863,275" with "7,825,075"

Page 2, line 4, replace "13,326,654" with "12,919,334"

Page 2, line 7, replace "3,423,566" with "3,415,066"

Page 2, line 8, replace "4,460,612" with "3,863,128"

Page 2, line 9, replace "11,755,705" with "11,203,870"

Page 2, line 10, replace "28,600,319" with "20,905,566"

Page 2, line 11, replace "4,086,082" with "3,619,457"

Page 2, line 12, replace "25,092,023" with "23,577,624"

Page 2, line 13, replace "10,849,840" with "10,842,290"

Page 2, line 14, replace "88,268,147" with "77,427,001"

Page 2, line 15, replace "18,649,184" with "17,296,864"

Page 2, line 16, replace "69,618,963" with "60,130,137"

Page 2, line 17, replace "84,468,111" with "74,323,994"

Page 2, line 18, replace "26,523,619" with "25,133,099"

Page 2, line 19, replace "110,890,730" with "99,457,093"

Page 2, remove lines 23 through 26

Page 3, after line 12, insert:

"SECTION 5. INMATE PAY AND DEDUCTIONS FROM INMATE PAY - LEGISLATIVE COUNCIL STUDY. During the 2001-02 interim, the legislative council shall consider studying wages paid to inmates sentenced to the state correctional system and the various deductions from those wages, including methods used to determine rates of pay; actual wages paid to inmates; deductions from inmate wages; and the effect deductions for incarceration costs, facility operation costs, and capital improvement costs have on inmate payments for child support and restitution.

SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION FACILITY NEEDS - LEGISLATIVE COUNCIL STUDY. During the 2001-02 interim, the legislative council shall consider studying the facility needs of the department of corrections and rehabilitation, including the adequacy and utilization of the department's existing facilities; anticipated future facility needs considering the impact of alternative programs and trends in inmate population; the feasibility and desirability of increased utilization of county and private correctional facilities; and facilities required to address the needs of various inmate populations, including female inmates and inmates diagnosed with serious mental illness.

SECTION 7. FEDERAL FUNDING REDUCTIONS - BUDGET SECTION APPROVAL. If, during the biennium beginning July 1, 2001, and ending June 30, 2003, the federal government reduces funding below the level anticipated by the fifty-seventh legislative assembly for any programs administered by the department of corrections and rehabilitation, the department may not supplant the federal funds with general or special fund moneys without first obtaining the approval of the budget section of the legislative council. The department's budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, must identify any programs for which general or special fund appropriation authority is requested to replace federal funds previously available for the program.

SECTION 8. YOUTH CORRECTIONAL CENTER - TEACHER CONTRACTS FOR SUMMER EDUCATION PROGRAMS. The salaries and wages line item included in subdivision 2 of section 1 of this Act includes funding for teacher contracts to support the summer education program at the youth correctional center. Any moneys budgeted for teacher contracts for the summer education program but not spent for that purpose may not be used for any other purpose and must be returned to the general fund at the end of the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 9. TRANSFERS BETWEEN LINE ITEMS AND SUBDIVISIONS - COMPUTER PURCHASES. Notwithstanding section 54-16-04, the department of corrections and rehabilitation may transfer between the various subdivisions included in section 1 of this Act and between the various line items included in subdivision 3 of section 1 of this Act for the purpose of purchasing personal computers to carry out the duties of the department.

SECTION 10. OPERATION OF "PRERELEASE" AND "DUI OFFENDER TREATMENT" PROGRAMS - REPORT TO THE FIFTY-EIGHTH LEGISLATIVE ASSEMBLY. During the biennium beginning July 1, 2001, and ending June 30, 2003, the department of corrections and rehabilitation shall monitor the operation of the programs known as the "prerelease center" and the "DUI offender treatment center" authorized by the fifty-seventh legislative assembly. The department shall present a report to the appropriations committees of the fifty-eighth legislative assembly regarding the operation of the programs, including the impact of the programs on recidivism rates; the cost-effectiveness of the programs; the success of the programs; the ability to collect fees, if any, from the participating inmates; and a comparison of the costs and benefits of the "prerelease center" and the "DUI offender treatment center" to other forms of treatment or incarceration.

SECTION 11. "PRERELEASE" PROGRAM AND INMATE CONTRACT HOUSING - USE OF MONEYS APPROPRIATED. The institutional offender services line item contained in subdivision 3 of section 1 of this Act includes funding for the operation of a "prerelease center". Any moneys budgeted for the operation of the "prerelease center" but not spent for that purpose may not be used for any other

purpose except contracting for additional inmate beds at county or private correctional facilities, as determined necessary by the department. Notwithstanding section 54-16-04, the department may transfer moneys from the institutional offender services line item to the security and safety line item in subdivision 3 of section 1 of this Act as determined necessary by the department to contract for inmate housing.

SECTION 12. LEGISLATIVE INTENT - FUNDING FOR DRUG COURT PROGRAM. It is the intent of the fifty-seventh legislative assembly that the department of corrections and rehabilitation seek federal funding to support the drug court program during the biennium beginning July 1, 2001, and ending June 30, 2003. If federal funds do not become available to the department to support the program, special funds derived from other income of the department may be used to fund the program. If federal funds become available during the biennium, the department must use the federal funds, and any required matching funds to be provided from special funds, to fund the program for the remainder of the biennium before funds from any other source are used for this purpose. Special fund moneys not used for the drug court program pursuant to this section must be used in place of general fund moneys appropriated by the fifty-seventh legislative assembly for other programs operated by the department.

SECTION 13. AMENDMENT. Section 12-59-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-59-02. Meetings - Compensation - Rules. The governor shall appoint a member of the parole board to be chairman. The chairman of the parole board shall designate three members of the parole board for each meeting of the parole board. Meetings of the parole board must be held in accordance with rules established by the parole board and must be held as often as required to properly conduct the business of the board, but in any event not less than six times per year. The parole board may only take action upon the concurrence of at least two members who participated in the same meeting. The final decision of at least two parole board members who participated in the same parole board meeting constitutes the decision of the parole board. Members are entitled to be compensated at the rate of ~~sixty-two~~^{sixty-two}~~seventy-five~~^{seventy-five} dollars ~~and fifty cents~~ per day for each day actually and necessarily spent in the performance of their duties as board members plus the same mileage and expenses as are authorized for state officials and employees. The director of the division of parole and probation, or the director's designee, is the clerk for the parole board.

SECTION 14. A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

Approval of new programs. Notwithstanding the powers granted under section 54-23.3-04, the director of the department of corrections and rehabilitation may not authorize any new program that serves adult or juvenile offenders, including alternatives to conventional incarceration and programs operated on a contract basis, without first reporting to the legislative assembly or, if the legislative assembly is not in session, the budget section of the legislative council.

SECTION 15. A new subsection to section 54-23.4-06 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

Compensation may not be awarded unless the claimant pursues each available collateral source, including claim for relief unless the claim for relief would place an undue burden on the claimant.

SECTION 16. AMENDMENT. Subsection 1 of section 54-23.4-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. If compensation is awarded, the division is subrogated to all the claimant's rights to receive or recover benefits or advantages, for economic loss for which and to the extent only that compensation is awarded, from a source that is, or, if readily available to the claimant, would be, a collateral source. The division has the right of subrogation to initiate a claim for relief to recover for economic loss from a collateral source, including a tort-feasor."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|--|---------------------|-------------------|--------------------|-------------------|
| Department of Corrections and Rehabilitation - Adult Services | | | | |
| Total all funds | \$88,268,147 | \$88,268,147 | (\$10,841,146) | \$77,427,001 |
| Less estimated income | <u>18,649,184</u> | <u>18,649,184</u> | <u>(1,352,320)</u> | <u>17,296,864</u> |
| General fund | \$69,618,963 | \$69,618,963 | (\$9,488,826) | \$60,130,137 |
| Department of Corrections and Rehabilitation - Central Office | | | | |
| Total all funds | \$1,533,542 | \$1,533,654 | (\$247,971) | \$1,285,683 |
| Less estimated income | <u>11,160</u> | <u>11,160</u> | | <u>11,160</u> |
| General fund | \$1,522,382 | \$1,522,494 | (\$247,971) | \$1,274,523 |
| Department of Corrections and Rehabilitation - Juvenile Services | | | | |
| Total all funds | \$21,088,929 | \$21,189,929 | (\$445,520) | \$20,744,409 |
| Less estimated income | <u>7,762,275</u> | <u>7,863,275</u> | <u>(38,200)</u> | <u>7,825,075</u> |
| General fund | \$13,326,654 | \$13,326,654 | (\$407,320) | \$12,919,334 |
| Bill Total | | | | |
| Total all funds | \$110,890,618 | \$110,991,730 | (\$11,534,637) | \$99,457,093 |
| Less estimated income | <u>26,422,619</u> | <u>26,523,619</u> | <u>(1,390,520)</u> | <u>25,133,099</u> |
| General fund | \$84,467,999 | \$84,468,111 | (\$10,144,117) | \$74,323,994 |

Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Adult Services - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---------------------------------|---------------------|-------------------|--------------------|-------------------|
| Salaries and wages | \$7,073,227 | | | |
| Operating expenses | 9,222,935 | | | |
| Equipment | 63,102 | | | |
| Capital improvements | | | | |
| Grants | 3,280,619 | | | |
| Victims services | | \$3,423,566 | (\$8,500) | \$3,415,066 |
| Institutional offender services | | 4,460,612 | (597,484) | 3,863,128 |
| Community offender services | | 11,755,705 | (551,835) | 11,203,870 |
| Support services | 28,600,319 | 28,600,319 | (7,694,753) | 20,905,566 |
| Program services | 4,086,082 | 4,086,082 | (466,625) | 3,619,457 |
| Security and safety | 25,092,023 | 25,092,023 | (1,514,399) | 23,577,624 |
| Roughrider Industries | <u>10,849,840</u> | <u>10,849,840</u> | <u>(7,550)</u> | <u>10,842,290</u> |
| Total all funds | \$88,268,147 | \$88,268,147 | (\$10,841,146) | \$77,427,001 |
| Less estimated income | <u>18,649,184</u> | <u>18,649,184</u> | <u>(1,352,320)</u> | <u>17,296,864</u> |
| General fund | \$69,618,963 | \$69,618,963 | (\$9,488,826) | \$60,130,137 |
| FTE | 508.25 | 508.25 | (51.50) | 456.75 |

Dept. 519 - Department of Corrections and Rehabilitation - Adult Services - Detail of House Changes

| | REDUCE FUNDING FOR DUI OFFENDER TREATMENT PROGRAM ¹ | REDUCE BUDGETED COMPUTER PRICES ² | REDUCE NUMBER OF NEW DESKTOP COMPUTERS ³ | REMOVE FTES AND FUNDING FOR SMI UNIT ⁴ | REDUCE INSTITUTIONAL OFFENDER SERVICES ⁵ | REDUCE COMMUNITY OFFENDER SERVICES ⁶ |
|---------------------------------|---|---|--|--|--|---|
| Salaries and wages | | | | | | |
| Operating expenses | | | | | | |
| Equipment | | | | | | |
| Capital improvements | | | | | | |
| Grants | | | | | | |
| Victims services | | | | | | |
| Institutional offender services | (\$539,284) | (\$750) | | | (\$57,450) | |
| Community offender services | | (11,308) | (\$8,400) | | | (\$532,127) |
| Support services | | (15,400) | (5,600) | (\$937,703) | | |
| Program services | | (3,600) | | (340,520) | | |
| Security and safety | | (1,800) | | (1,159,574) | | |
| Roughrider Industries | | <u>(6,150)</u> | <u>(1,400)</u> | | | |
| Total all funds | (\$539,284) | (\$39,008) | (\$15,400) | (\$2,437,797) | (\$57,450) | (\$532,127) |
| Less estimated income | | <u>(10,920)</u> | <u>(1,400)</u> | | | <u>60,000</u> |
| General fund | (\$539,284) | (\$28,088) | (\$14,000) | (\$2,437,797) | (\$57,450) | (\$592,127) |
| FTE | 0.00 | 0.00 | 0.00 | (28.00) | 0.00 | (1.00) |
| | REDUCE SUPPORT SERVICES ⁷ | REDUCE PROGRAM SERVICES ⁸ | REDUCE SECURITY AND SAFETY ⁹ | REDUCE VICTIMS SERVICES ¹⁰ | REMOVE CAPITAL PROJECTS ¹¹ | REMOVE FTE AND OPERATING EXPENSES FOR WOMEN'S UNIT ¹² |
| Salaries and wages | | | | | | |
| Operating expenses | | | | | | |

| | | | | | | |
|---------------------------------|-------------|------------|------------|-----------|--------------------|---------------|
| Equipment | | | | | | |
| Capital improvements | | | | | | |
| Grants | | | | | | |
| Victims services | | | | (\$8,500) | | |
| Institutional offender services | | | | | | |
| Community offender services | | | | | | |
| Support services | (\$618,618) | | | | (\$5,703,000) | (\$414,432) |
| Program services | | (\$20,000) | | | | (102,505) |
| Security and safety | | | (\$25,000) | | | (524,130) |
| Roughrider Industries | | | | | | |
| Total all funds | (\$618,618) | (\$20,000) | (\$25,000) | (\$8,500) | (\$5,703,000) | (\$1,041,067) |
| Less estimated income | | | | | <u>(1,400,000)</u> | |
| General fund | (\$618,618) | (\$20,000) | (\$25,000) | (\$8,500) | (\$4,303,000) | (\$1,041,067) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | (22.50) |

ADD
FUNDING FOR
CONTRACT
INMATE
HOUSING 13

TOTAL
HOUSE
CHANGES

| | | |
|---------------------------------|-----------|--------------------|
| Salaries and wages | | |
| Operating expenses | | |
| Equipment | | |
| Capital improvements | | |
| Grants | | |
| Victims services | | (\$8,500) |
| Institutional offender services | | (597,484) |
| Community offender services | | (551,835) |
| Support services | | (7,694,753) |
| Program services | | (466,625) |
| Security and safety | \$196,105 | (1,514,399) |
| Roughrider Industries | | <u>(7,550)</u> |
| Total all funds | \$196,105 | (\$10,841,146) |
| Less estimated income | | <u>(1,352,320)</u> |
| General fund | \$196,105 | (\$9,488,826) |
| FTE | 0.00 | (51.50) |

¹ Funding for the DUI offender treatment program, which will be operated on a contract basis with the State Hospital, is reduced from \$2,139,284 to \$1,600,000 to reflect a reduction in administrative cost allocation charged by the State Hospital.

² The Senate version for the Adult Services Division included funding for 47 new desktop computers budgeted at various prices ranging from \$1,914 to \$2,300 per computer and six new laptop computers budgeted at various prices ranging from \$2,500 to \$3,500 per computer. The House amendment reduces the price per computer to \$1,400 for desktop computers and \$1,750 for laptop computers.

³ The total number of new desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77. The number of budgeted desktop computer purchases is reduced from 47 to 34 for the Adult Services Division.

⁴ Funding is removed for the proposed seriously mentally ill (SMI) unit as follows:

| | FTE | GENERAL FUND | OTHER FUNDS | TOTAL |
|----------------------------------|---------|-----------------|-------------|-----------------|
| Salaries and wages | (28.00) | (\$1,859,441) | | (\$1,859,441) |
| Operating expenses | | (560,706) | | (560,706) |
| Equipment | | <u>(17,650)</u> | | <u>(17,650)</u> |
| Total change from Senate version | (28.00) | (\$2,437,797) | \$0 | (\$2,437,797) |

⁵ The institutional offender services line item is adjusted for the following changes:

| | GENERAL FUND | OTHER FUNDS | TOTAL |
|--|--------------|-------------|------------|
| Operating expenses | (\$60,000) | | (\$60,000) |
| Compensation rate increase for Parole Board members from \$62.50 to \$75 per day | 2,550 | | 2,550 |
| Total change from Senate version | (\$57,450) | \$0 | (\$57,450) |

⁶ The community offender services line item is reduced to reflect the following changes:

| | FTE | GENERAL FUND | OTHER FUNDS | TOTAL |
|---|--------|-----------------|-------------|-----------------|
| Temporary salaries | | (\$14,000) | | (\$14,000) |
| Operating expenses | | (407,000) | | (407,000) |
| Funding source change (additional supervision fees) | | (60,000) | \$60,000 | |
| Remove parole officer II position | | | | |
| Salaries and wages | (1.00) | (78,755) | | (78,755) |
| Operating expenses | | <u>(32,372)</u> | | <u>(32,372)</u> |
| Total reduction relating to new positions | (1.00) | (\$111,127) | | (\$111,127) |
| Total change from Senate version | (1.00) | (\$592,127) | \$60,000 | (\$532,127) |

7 The support services line item is reduced to reflect the following changes:

| | GENERAL FUND | OTHER FUNDS | TOTAL |
|--|-----------------|----------------|-------------|
| Temporary salaries | (\$8,000) | | (\$8,000) |
| Information technology - Data processing | (20,000) | | (20,000) |
| Information technology - Telecommunications | (5,000) | | (5,000) |
| Travel | (15,000) | | (15,000) |
| Information technology - Contractual services | (5,300) | | (5,300) |
| Medical, dental, and optical expenses | 30,000 | | 30,000 |
| Hepatitis B vaccinations and screening and treatment for other contagious diseases | 122,800 | | 122,800 |
| Professional development | (10,000) | | (10,000) |
| Office supplies | (5,000) | | (5,000) |
| Other equipment | (100,000) | | (100,000) |
| Capital improvements - Penitentiary parking lot | (403,118) | | (403,118) |
| Capital improvements - Extraordinary repairs | (200,000) | | (200,000) |
| Total change from Senate version | (\$618,618) | \$0 | (\$618,618) |

8 The program services line item is reduced to reflect the following changes:

| | GENERAL FUND | OTHER FUNDS | TOTAL |
|----------------------------------|-----------------|----------------|------------|
| Travel | (\$5,000) | | (\$5,000) |
| Professional development | (2,000) | | (2,000) |
| Professional services | (5,000) | | (5,000) |
| Professional supplies | (5,000) | | (5,000) |
| Miscellaneous supplies | (3,000) | | (3,000) |
| Total change from Senate version | (\$20,000) | \$0 | (\$20,000) |

9 The security and safety line item is reduced to reflect a \$25,000 reduction in operating expenses.

10 The victims services line item is reduced to reflect a \$2,500 reduction in temporary salaries and a \$6,000 reduction in operating expenses.

11 Funding is removed for the following capital projects:

| | GENERAL FUND | OTHER FUNDS | TOTAL |
|---|-----------------|----------------|---------------|
| Missouri River Correctional Center - Food service building | (\$1,983,000) | | (\$1,983,000) |
| Women's unit | (2,320,000) | (\$1,400,000) | (3,720,000) |
| Total change from Senate version | (\$4,303,000) | (\$1,400,000) | (\$5,703,000) |

12 Funding is removed for the proposed women's unit as follows:

| | GENERAL FUND | OTHER FUNDS | TOTAL |
|----------------------------------|-----------------|----------------|---------------|
| Salaries and wages | (\$585,457) | | (\$585,457) |
| Operating expenses | (421,815) | | (421,815) |
| Equipment | (33,795) | | (33,795) |
| Total change from Senate version | (\$1,041,067) | \$0 | (\$1,041,067) |

13 The Senate version included \$2,452,275 for housing inmates at county or out-of-state correctional facilities. The House amendment increases that amount to \$2,648,380 based on the following adjustments to the number of contract inmate beds:

- Funding is reduced to reflect an anticipated 20 contract bed reduction each month of the biennium due to the effect of the drug court (five less contract beds per month) and House Bill No. 1364 (15 less contract beds per month), which eliminates minimum mandatory sentences for certain first-time drug offenders.
- Funding is increased to reflect an anticipated 75 contract bed increase for each of the last eight months of the biennium due to not constructing the women's unit.

Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Central Office - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$1,281,245 | \$1,281,357 | (\$205,486) | \$1,075,871 |
| Operating expenses | 171,447 | 171,447 | (19,385) | 152,062 |
| Equipment | 80,850 | 80,850 | (23,100) | 57,750 |
| Total all funds | \$1,533,542 | \$1,533,654 | (\$247,971) | \$1,285,683 |
| Less estimated income | 11,160 | 11,160 | | 11,160 |
| General fund | \$1,522,382 | \$1,522,494 | (\$247,971) | \$1,274,523 |
| FTE | 10.00 | 10.00 | (1.00) | 9.00 |

Dept. 530 - Department of Corrections and Rehabilitation - Central Office - Detail of House Changes

| | REMOVE NEW FTE POSITION AND RELATED OPERATING EXPENSES ¹ | REDUCE FUNDING FOR TEMPORARY SALARIES | REMOVE FUNDING FOR SALARY EQUITY INCREASES ² | REDUCE OPERATING EXPENSES | REDUCE BUDGETED COMPUTER PRICES ³ | REMOVE FUNDING FOR COMPUTER SERVER ⁴ |
|-----------------------|--|--|---|---------------------------------|---|--|
| Salaries and wages | (\$79,486) | (\$1,000) | (\$125,000) | | | |
| Operating expenses | (8,385) | | | (\$11,000) | | |
| Equipment | | | | | (\$6,300) | (\$14,000) |
| Total all funds | (\$87,871) | (\$1,000) | (\$125,000) | (\$11,000) | (\$6,300) | (\$14,000) |
| Less estimated income | | | | | | |
| General fund | (\$87,871) | (\$1,000) | (\$125,000) | (\$11,000) | (\$6,300) | (\$14,000) |
| FTE | (1.00) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | REDUCE NUMBER OF NEW DESKTOP COMPUTERS ⁵ | TOTAL HOUSE CHANGES | | | | |
| Salaries and wages | | (\$205,486) | | | | |
| Operating expenses | | (19,385) | | | | |
| Equipment | (\$2,800) | (23,100) | | | | |
| Total all funds | (\$2,800) | (\$247,971) | | | | |
| Less estimated income | | | | | | |
| General fund | (\$2,800) | (\$247,971) | | | | |
| FTE | 0.00 | (1.00) | | | | |

¹ The Senate version included 2 FTE data processing coordinator I positions to provide information technology support for the department. The House amendment removes one of the new positions and the related operating expenses.

² The Senate version included \$125,000 for salary adjustments, in addition to the executive budget compensation package, to address equity and salary compression issues within the department. The House amendment removes this funding.

³ The Senate version for the Central Office included funding for nine new desktop computers, budgeted at a cost of \$2,100 per computer. The House amendment reduces the budgeted price per computer to \$1,400.

⁴ The Senate version for the Central Office included funding to replace three computer servers, one at a price of \$25,000 and two at \$14,000. The House amendment removes funding for one of the \$14,000 servers.

⁵ The total number of desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77. The number of budgeted desktop computer purchases is reduced from nine to seven for the Central Office.

Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Juvenile Services - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$10,819,873 | \$10,819,873 | (\$172,375) | \$10,647,498 |
| Operating expenses | 4,930,382 | 5,031,382 | (139,475) | 4,891,907 |
| Equipment | 217,050 | 217,050 | (97,350) | 119,700 |
| Capital improvements | 707,747 | 707,747 | (36,320) | 671,427 |
| Grants | 4,413,877 | 4,413,877 | | 4,413,877 |
| Total all funds | \$21,088,929 | \$21,189,929 | (\$445,520) | \$20,744,409 |
| Less estimated income | 7,762,275 | 7,863,275 | (38,200) | 7,825,075 |
| General fund | \$13,326,654 | \$13,326,654 | (\$407,320) | \$12,919,334 |
| FTE | 120.43 | 120.43 | 0.00 | 120.43 |

Dept. 532 - Department of Corrections and Rehabilitation - Juvenile Services - Detail of House Changes

| | REDUCE TEMPORARY SALARIES RELATING TO NEW POSITIONS ¹ | REDUCE OPERATING EXPENSES ² | REDUCE EQUIPMENT ³ | REDUCE FUNDING FOR SUMMER SCHOOL PROGRAM | REDUCE FUNDING FOR TEACHER SALARY INCREASES ⁴ | REDUCE BUDGETED COMPUTER PRICES ⁵ |
|----------------------|---|--|----------------------------------|---|--|---|
| Salaries and wages | (\$41,000) | | | | | |
| Operating expenses | | (\$139,475) | | (\$40,000) | (\$91,375) | |
| Equipment | | | (\$34,000) | | | |
| Capital improvements | | | | | | (\$43,750) |
| Grants | | | | | | |

| | | | | | | |
|-----------------------|------------|-------------|------------|------------|------------|-----------------|
| Total all funds | (\$41,000) | (\$139,475) | (\$34,000) | (\$40,000) | (\$91,375) | (\$43,750) |
| Less estimated income | | | | | | <u>(25,600)</u> |
| General fund | (\$41,000) | (\$139,475) | (\$34,000) | (\$40,000) | (\$91,375) | (\$18,150) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

| | | | |
|-----------------------|--|--|---------------------------|
| | REDUCE NUMBER OF NEW DESKTOP COMPUTERS ⁶ | REDUCE YOUTH CORRECTIONAL CENTER EXTRAORDINARY REPAIRS ⁷ | TOTAL HOUSE CHANGES |
| Salaries and wages | | | (\$172,375) |
| Operating expenses | | | (139,475) |
| Equipment | (\$19,600) | | (97,350) |
| Capital improvements | | (\$36,320) | (36,320) |
| Grants | | | |
| Total all funds | (\$19,600) | (\$36,320) | (\$445,520) |
| Less estimated income | <u>(12,600)</u> | | <u>(38,200)</u> |
| General fund | (\$7,000) | (\$36,320) | (\$407,320) |
| FTE | 0.00 | 0.00 | 0.00 |

¹ The Senate version included 1 FTE security officer I for the Youth Correctional Center and 1 FTE administrative assistant I for the Juvenile Community Services Division. The House amendment reduces the salaries and wages line item by \$41,000 (\$12,000 for Juvenile Community Services and \$29,000 for the Youth Correctional Center) to reflect an anticipated reduction in the need for temporary employees as a result of the new positions.

² The Juvenile Services Division operating expenses line item is reduced to reflect the following changes:

| | GENERAL FUND | OTHER FUNDS | TOTAL |
|--|-----------------|----------------|-----------------|
| Juvenile Community Services (JCS) | (\$55,000) | | (\$55,000) |
| Division - Various reductions | | | |
| JCS Division - Juvenile transportation costs (SB 2220 with House amendments) | (41,475) | | (41,475) |
| Youth Correctional Center (YCC) - Auxiliary services | (13,000) | | (13,000) |
| YCC - Administration | (7,500) | | (7,500) |
| YCC - Resident care | (12,500) | | (12,500) |
| YCC - Education | <u>(10,000)</u> | | <u>(10,000)</u> |
| Total change from Senate version | (\$139,475) | \$0 | (\$139,475) |

³ The House amendment reduces the amount appropriated to the Youth Correctional Center for "other" equipment from \$54,729 to \$20,729.

⁴ The Senate version for the Juvenile Services Division included \$291,375 for salary adjustments, in addition to the executive budget compensation package, to increase teacher salaries pursuant to a composite salary schedule developed by the Central Personnel Division. The House amendment reduces this amount to \$200,000.

⁵ The Senate version for the Juvenile Services Division included funding for the purchase of 50 new desktop computers and three new laptop computers, budgeted at a price of \$2,200 per desktop and \$3,000 per laptop. The House amendment reduces the budgeted prices to \$1,400 per desktop and \$1,750 per laptop.

⁶ The total number of desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77. The number of budgeted desktop computer purchases is reduced from 50 to 36 for the Juvenile Services Division.

⁷ Funding is removed for heating plant improvements at the Youth Correctional Center, reducing extraordinary repairs funding from \$65,320 to \$29,000.

This amendment also adds the following sections:

- Section 5, which directs the Legislative Council to consider studying issues relating to inmate wages and various deductions from those wages.
- Section 6, which directs the Legislative Council to consider studying the facility needs of the Department of Corrections and Rehabilitation.
- Section 7, which provides that if federal funding is reduced during the 2001-03 biennium, the department may not supplant the federal funds with general or special funds. The department must also identify any programs included in its 2003-05 biennium budget request for which general or special fund appropriation authority is requested to replace federal funds previously available for the program.
- Section 8, which provides that any moneys budgeted by the Youth Correctional Center for teacher contracts for the summer education program but not spent for that purpose must be returned to the general fund at the end of the 2001-03 biennium.
- Section 9, which authorizes the department to transfer funds between the subdivisions and program line items included in the bill for the purpose of providing for computer purchases.

- Section 10, which directs the department to report to the Appropriations Committees of the Fifty-eighth Legislative Assembly on the effectiveness of the prerelease and DUI offender treatment programs.
- Section 11, which provides that any moneys budgeted for the operation of the prerelease center but not spent for that purpose may not be used for any other purpose except contracting for inmate housing.
- Section 12, which provides legislative intent that the department seek federal funding for the drug court program. If federal funds become available, the department must spend the federal funds in place of the special funds appropriated for the program; the special funds appropriation for the program must then be used in place of general fund moneys appropriated for other programs.
- Section 13, which amends North Dakota Century Code (NDCC) Section 12-59-02 to increase the compensation rate for Parole Board members from \$62.50 per day to \$75 per day.
- Section 14, which creates a new section to NDCC Chapter 54-23.3 to require the department to report to the Legislative Assembly or the Budget Section before establishing any new correctional program.
- Section 15, which amends NDCC Section 54-23.4-06 to require that crime victims compensation awards may not be provided to a claimant until the claimant has pursued all collateral sources of funds.
- Section 16, which amends NDCC Section 54-23.4-12 to provide that if crime victims compensation is awarded, the department has the right of subrogation to initiate a claim for relief to recover funds from a collateral source.

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 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 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; Drovdal; S. Kelsh

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 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 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

MOTION

SEN. CHRISTMANN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Thursday, April 5, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1287, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1287 was placed on the Sixth order on the calendar.

Page 1, line 14, after the semicolon insert "and"

Page 1, line 15, replace "shows no" with "does not contain any"

Page 1, line 16, replace "; and" with a period

Page 1, remove lines 17 and 18

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2095, as engrossed: Your conference committee (Sens. Fischer, Kilzer, T. Mathern and Reps. Weisz, Galvin, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 937, adopt amendments as follows, and place SB 2095 on the Seventh order:

That the House recede from its amendments as printed on page 937 of the Senate Journal and pages 1002 and 1003 of the House Journal and that Engrossed Senate Bill No. 2095 be amended as follows:

Page 1, line 8, after "applicants" insert "where adjusted gross income or loss means the adjusted gross income or loss as computed for an individual for federal income tax purposes under the Internal Revenue Code," and remove "lower of the previous one year or the"

Page 1, line 9, overstrike "average of the previous three years of adjusted gross income," and remove "or the lower"

Page 1, remove lines 10 and 11

Page 1, line 12, remove "gross income" and overstrike "means the adjusted gross income as computed for an individual for"

Page 1, line 13, overstrike "federal income tax purposes under the Internal Revenue Code" and insert immediately thereafter "lower of either:

- a. The previous one year of adjusted gross income or loss, less any earned or unearned income on the tax return, plus any current earned or unearned income; or
- b. The average of the previous three years of adjusted gross income or loss, less the average of earned or unearned income for each of the previous three years, plus any current earned or unearned income"

Renumber accordingly

Engrossed SB 2095 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1462, as engrossed: Your conference committee (Sens. Lee, Fischer, T. Mathern and Reps. Porter, F. Klein, Cleary) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1147 and place HB 1462 on the Seventh order.

Engrossed HB 1462 was placed on the Seventh order of business on the calendar.

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

WILLIAM R. HORTON, Secretary

