

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, April 18, 2001

The Senate convened at 8:30 a.m., with President Pro Tem Krebsbach presiding.

The prayer was offered by Senator Tollefson.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LEE MOVED that the conference committee report on Reengrossed HB 1441 as printed on SJ pages 1373-1374 be adopted, which motion prevailed on a verification vote.

Reengrossed HB 1441, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1441: A BILL for an Act to create and enact a new subsection to section 50-24.1-02.6 and a new section to chapter 50-29 of the North Dakota Century Code, relating to medical assistance benefits and the children's health insurance program; to provide for a legislative council study; to provide for a continuing appropriation; to require maximizations of federal reimbursement; to provide for an effective date; and to provide for an expiration date.

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 30 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Cook; Erbele; Every; Fischer; Flakoll; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wardner

NAYS: Andrist; Bowman; Christmann; Dever; Espegard; Freborg; Grindberg; Kilzer; Kringstad; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjerm; Tollefson; Traynor; Trenbeath; Watne

Reengrossed HB 1441 passed and the title was agreed to.

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.

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 Pro Tem Krebsbach presiding.

REPORT OF STANDING COMMITTEE

HB 1012, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1012 was placed on the Sixth order on the calendar.

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
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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 ¹	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 assistance	756,354,293	718,078,659	16,748,216	734,826,875
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

¹ Economic Assistance - Senate changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Economic Assistance Policy Program 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
Child Support Program No changes				
Medical Services Program 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
Total Senate changes - Economic Assistance	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 ¹	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

¹ Program and Policy - Senate changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Aging Services Program 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
Children's Special Health Services Program Consolidates the children's special health services program into the medical services program	(10.00)	(801,404)	(\$1,418,026)	(2,219,430)
Children and Family Services Program No changes				
Mental Health and Substance Abuse Program 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
Developmental Disabilities Program No changes				
Vocational Rehabilitation Program 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
Total Senate changes - Program and Policy	(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 ¹	SENATE VERSION
Capital improvements	\$1,683,431	\$970,176		\$970,176
Human service centers/institutions	50,491,299	50,265,299	(\$111,024)	50,154,275
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

¹

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
State Hospital - Senate changes				

Removes a vacant nurse position	(1.00)	(\$55,512)		(\$55,512)
Removes a vacant social worker position	(1.00)	(55,512)		(55,512)
Total Senate changes - State Hospital	(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 BUDGET	HOUSE VERSION	SENATE CHANGES ¹	SENATE 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 ¹	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 ¹	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

¹ Human service centers changes include:

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

CONSIDERATION OF AMENDMENTS

HB 1012, as engrossed: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. CHRISTENSON REQUESTED that the Senate divide the amendments to Engrossed HB 1012, which request was granted.

DIVISION A: That part of the proposed amendments reading as follows:

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

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

DIVISION B: The remainder of the proposed amendments.

REQUEST

SEN. CHRISTENSON REQUESTED a recorded roll call vote on Division A of the proposed amendments to Engrossed HB 1012, which request was granted.

ROLL CALL

The question being on the adoption of Division A of the proposed amendments to Engrossed HB 1012, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kilzer; Klein; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Espegard; Every; Holmberg; Kelsh; Krauter; Krebsbach; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Tomac; Trenbeath

ABSENT AND NOT VOTING: Erbele

Division A of the proposed amendments to Engrossed HB 1012 was adopted.

The question being on the adoption of Division B of the proposed amendments to Engrossed HB 1012, Division B of the proposed amendments was adopted on a voice vote.

The question being on the adoption of the proposed amendments to Engrossed HB 1012, including Division A and Division B, the proposed amendments to Engrossed HB 1012 were adopted on a voice vote.

Engrossed HB 1012, as amended, was placed on the Fourteenth order for immediate second reading.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide for the transfer of appropriation authority between agencies and institutions; to provide for a legislative council study; to provide statements of legislative intent; to provide an exception to section 54-16-04 of the North

Dakota Century Code, relating to emergency commission approval for line item transfers; to provide for basic care facility rates; to create and enact a new subsection to section 50-10-06 of the North Dakota Century Code, relating to eligibility for children's special health services; to amend and reenact subsection 2 of section 25-02-01.1 and subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code, relating to compensation for members of the state hospital governing board and county reimbursements; and to declare an emergency.

MOTION

SEN. T. MATHERN MOVED that Engrossed HB 1012 be amended as follows, which motion failed on a voice vote.

In lieu of the amendments adopted by the Senate as printed on pages _____ of the Senate Journal, Engrossed House Bill No. 1012 is amended as follows:

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

Page 1, line 5, after "transfers" 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," after "50-01.2-03.2" insert " and subdivision a of subsection 6 of section 50-29-04", and after "to" insert "compensation for members of the state hospital governing board,"

Page 1, line 8, after "reimbursements" insert " and the children's health insurance program; to provide an effective date; 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. AMENDMENT. Subdivision a of subsection 6 of section 50-29-04 of the North Dakota Century Code is amended and reenacted as follows:

- a. ~~An~~ A gross income eligibility limit of one hundred ~~forty~~ eighty-five percent of the poverty line, except as otherwise provided under section 50-29-02 for self-employed individuals;

SECTION 25. EFFECTIVE DATE. Section 24 of this Act becomes effective on January 1, 2002.

SECTION 26. 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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bercier; Christenson; Krauter; Kroeplin; Lindaas; Mathern, D.; O'Connell

ABSENT AND NOT VOTING: Erbele

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

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH 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 1407, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1407: Sens. Espegard, Mutch, Every.

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 1012.

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

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.

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 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 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

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 18, 2001: 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.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 18, 2001: SCR 4050, SCR 4051, SCR 4052.

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 19, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1052, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1052 was placed on the Sixth order on the calendar.

Page 2, line 21, replace "**2002**" with "**2003**"

Page 4, line 14, replace "**2002**" with "**2003**"

Page 6, line 9, replace "**2002**" with "**2003**"

Page 8, line 3, replace "**2002**" with "**2003**"

Page 9, line 17, replace "2002" with "2003"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2023, as engrossed: Your conference committee (Sens. Grindberg, Thane, Heitkamp and Reps. Timm, Wald, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1324-1325, adopt amendments as follows, and place SB 2023 on the Seventh order:

That the House recede from its amendments as printed on pages 1324 and 1325 of the Senate Journal and pages 1432 and 1433 of the House Journal and that Engrossed Senate Bill No. 2023 be amended as follows:

Page 1, line 5, after "appropriation" insert "; to provide a statement of legislative intent"

Page 2, line 1, replace "\$6,656,000" with "\$6,356,000"

Page 2, line 6, replace "2,599,000" with "2,299,000"

Page 2, after line 6, insert:

"The Minot state university local responsibility of \$2,299,000 must be paid in ten annual payments with each of the first two annual payments being \$315,000 and each of the remaining eight annual payments being \$208,625."

Page 2, line 27, after "renovation" insert "and expansion"

Page 3, line 7, after "renovation" insert "and expansion"

Page 3, after line 10, insert:

"SECTION 6. LEGISLATIVE INTENT - STATE COLLEGE OF SCIENCE - STUDENT UNION RENOVATION AND EXPANSION. It is the intent of the fifty-seventh legislative assembly that the state college of science local responsibility of \$1,300,000, as provided in section 4 of this Act, must be collected before the state college of science may begin on the renovation and expansion of the student union.

SECTION 7. STATE FACILITY ENERGY IMPROVEMENT PROJECT - REPORT TO THE FIFTY-EIGHTH LEGISLATIVE ASSEMBLY. The agencies and institutions receiving authorization for energy improvement projects pursuant to section 3 of this Act shall monitor the resulting energy savings and the cost-effectiveness of the projects and shall report the results to the house and senate appropriations committees of the fifty-eighth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2023 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
University of North Dakota				
Total all funds	\$3,990,785	\$7,490,785	\$0	\$7,490,785
Less estimated income	<u>3,990,785</u>	<u>7,490,785</u>		<u>7,490,785</u>
General fund	\$0	\$0	\$0	\$0
North Dakota State University				
Total all funds	\$296,348	\$11,296,348	\$0	\$11,296,348
Less estimated income	<u>296,348</u>	<u>11,296,348</u>		<u>11,296,348</u>
General fund	\$0	\$0	\$0	\$0
State College of Science				
Total all funds	\$0	\$4,300,000	\$0	\$4,300,000
Less estimated income		<u>4,300,000</u>		<u>4,300,000</u>
General fund	\$0	\$0	\$0	\$0
Minot State University				
Total all funds	\$5,076,000	\$7,850,000	\$0	\$7,850,000
Less estimated income	<u>5,076,000</u>	<u>7,850,000</u>		<u>7,850,000</u>

General fund	\$0	\$0	\$0	\$0
State Department of Health				
Total all funds	\$2,700,000	\$2,700,000	\$0	\$2,700,000
Less estimated income	<u>2,700,000</u>	<u>2,700,000</u>		<u>2,700,000</u>
General fund	\$0	\$0	\$0	\$0
Job Service North Dakota				
Total all funds	\$2,302,000	\$2,302,000	\$0	\$2,302,000
Less estimated income	<u>2,302,000</u>	<u>2,302,000</u>		<u>2,302,000</u>
General fund	\$0	\$0	\$0	\$0
Department of Transportation				
Total all funds	\$352,600	\$352,600	\$0	\$352,600
Less estimated income	<u>352,600</u>	<u>352,600</u>		<u>352,600</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$14,717,733	\$36,291,733	\$0	\$36,291,733
Less estimated income	<u>14,717,733</u>	<u>36,291,733</u>		<u>36,291,733</u>
General fund	\$0	\$0	\$0	\$0

Senate Bill No. 2023 - House Action

This amendment makes the following changes:

- The required local match for the Minot State University Old Main renovation project is reduced by \$300,000, from \$2,599,000 to \$2,299,000. The local match must be paid in 10 annual payments. The first two payments will be \$315,000 and the remaining eight payments will be \$208,625. The amount of bonds issued for the project remains unchanged from the Senate version of \$7,850,000; however, the portion of bonds repaid from the general fund is increased by \$300,000 to reflect the decrease in local repayment responsibility.
- A section is added providing that the required local match of \$1.3 million for the State College of Science Student Union renovation and expansion project must be raised by the college before the project is started.
- A section is added providing that the Department of Transportation, North Dakota State University, and the University of North Dakota must report to the House and Senate Appropriations Committees of the Fifty-eighth Legislative Assembly regarding the cost-effectiveness of the energy improvement projects authorized in Section 3 of the bill.

Engrossed SB 2023 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2041: Your conference committee (Sens. Flakoll, Wanzek, Christenson and Reps. R. Kelsch, Skarphol, Grumbo) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1325 and place SB 2041 on the Seventh order.

SB 2041 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2042, as engrossed: Your conference committee (Sens. Flakoll, Wanzek, Kelsh and Reps. R. Kelsch, Skarphol, Grumbo) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1326 and place SB 2042 on the Seventh order.

Engrossed SB 2042 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2239, as reengrossed: Your conference committee (Sens. Fischer, Kilzer, T. Mathern and Reps. Kliniske, Porter, Cleary) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 533 and place SB 2239 on the Seventh order.

Reengrossed SB 2239 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2347: Your conference committee (Sens. Klein, Wanzek, Nichols and Reps. Renner, Koppang, Froelich) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 946, adopt amendments as follows, and place SB 2347 on the Seventh order:

That the House recede from its amendments as printed on page 946 of the Senate Journal and page 1011 of the House Journal and that Senate Bill No. 2347 be amended as follows:

Page 2, after line 6, insert:

"1."

Page 2, after line 10, insert:

"2. If an emergency is declared by the governor, the board shall conduct any appraisal required by this section and may destroy the animal as soon thereafter as is practicable. The owner may protest the appraisal, however, a protest may not delay the destruction of the animal."

Page 2, line 14, replace "If" with "Except as provided in section 3, if"

Page 2, line 16, after "order" insert "within seven days"

Page 3, line 13, after "check" insert "jointly" and after "owner" insert "and any lienholders"

Page 3, line 17, replace "appropriated" with "approved by the emergency commission" and replace "by the legislative assembly and the state" with an underscored period

Page 3, remove lines 18 and 19

Page 3, line 23, replace "payment" with "the board" and replace "be made" with "authorize payment"

Renumber accordingly

SB 2347 was placed on the Seventh order of business on the calendar.

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.

REPORT OF CONFERENCE COMMITTEE

HB 1009, as engrossed: Your conference committee (Sens. Solberg, Tomac, Bowman and Reps. Skarphol, B. Thoreson, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1291-1292, adopt amendments as follows, and place HB 1009 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1291 and 1292 of the House Journal and pages 1129 and 1130 of the Senate Journal and that Engrossed House Bill No. 1009 be amended as follows:

Page 1, line 3, after "Code" insert "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"

Page 1, line 4, after the first comma insert "the membership of the crop protection product harmonization and registration board,"

Page 1, line 14, replace "1,361,357" with "1,338,864"

Page 2, line 2, replace "11,192,073" with "11,169,580"

Page 2, line 4, replace "4,393,889" with "4,371,396"

Page 2, after line 11, insert:

"SECTION 3. AMENDMENT. 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, is amended and reenacted as follows:

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

1. The crop protection product harmonization and registration board consists of:

a. ~~the~~ The governor or the governor's designee; ;

- b. ~~the~~ The agriculture commissioner; or the commissioner's designee;
 - c. ~~the~~ The chairman of the house agriculture committee; or the chairman's designee;
 - d. ~~the~~ The chairman of the senate agriculture committee, one crop protection product manufacturing industry representative appointed by the chairman of the legislative council, and two consumers or the chairman's designee;
 - e. A member of the house or senate agriculture committee who is not a member of the faction in which the committee chairman is a member, appointed by the legislative council chairman;
 - f. A crop protection product dealer in the state appointed by the governor from a list of three nominees submitted by the North Dakota agricultural association;
 - g. A consumer of crop protection products appointed by the governor from a list of three nominees submitted by the North Dakota grain growers association;
 - h. A consumer of crop protection products appointed by the governor from a list of three nominees submitted by the North Dakota oilseed council;
 - i. A representative of the crop protection product manufacturing industry appointed by the chairman of the legislative council; and
 - j. The director of the North Dakota state university agricultural experiment station.
2. The representative of the crop protection product manufacturing industry and the director of the agricultural experiment station shall serve as nonvoting members. The governor or the governor's designee shall serve as chairman of the board.
3. The board shall:
- a. Identify and prioritize crop protection product labeling needs;
 - b. Explore the extent of authority given to this state under the federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136a];
 - c. Identify the data necessary to enable registration of a use to occur in a timely manner;
 - d. Determine what research, if any, is necessary to fulfill data requirements for activities listed in this section;
 - e. Request the agriculture commissioner to pursue specific research funding options from public and private sources;
 - f. Request the North Dakota state university agricultural experiment station to pursue specific research to coordinate registration efforts; and
 - g. Pursue any opportunities to make more crop protection product options available to agricultural producers in this state through any means the board determines advisable.
- 2- 4. The board may contract with a consultant to conduct studies or provide research or information regarding crop protection product registration and labeling needs.
- 3- 5. The board may administer a grant program through which agriculture commodity groups established under this title may apply for funds to be used by the groups to address issues related to the registration of crop protection products. To be eligible for receipt of a grant, an applicant must

submit an application to the board which requests a specific amount of funds, specifies the exact purposes for which the grant would be used, and provides a detailed timetable for the use of the grant funds. The board may impose any additional conditions it determines appropriate for grant recipients, including requiring periodic reports and furnishing of matching funds. The board may terminate funding of a previously approved grant at any time if the board is dissatisfied with the performance of the grant recipient.

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

- 5- 7. The board may adopt rules to implement this section."

Page 2, line 23, remove the overstrike over "~~(Effective through June 30,~~", after "~~2001~~" insert "2003", and remove the overstrike over "~~) Registration—Fees.~~"

Page 2, remove the overstrike over lines 24 through 31

Page 3, remove the overstrike over lines 1 through 25

Page 3, line 26, remove the overstrike over "~~(Effective July 1,~~", after "~~2001~~" insert "2003", and remove the overstrike over the closing parenthesis

Page 4, line 1, remove "fifty"

Page 5, line 12, replace "select chemicals" with "rinsate"

Page 5, line 13, replace "an estimated \$100,000" with "enough revenues to cover the cost of disposal associated with the rinsate collected"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1009 - Department of Agriculture - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$3,519,782	\$3,513,495		\$3,513,495
Operating expenses	1,361,357	1,361,357	(\$22,493)	1,338,864
Equipment	30,400	30,400		30,400
Grants	161,700	161,700		161,700
Board of Animal Health	538,614	538,614		538,614
Ag mediation	1,075,808	1,075,808		1,075,808
Ag in the classroom	96,000	96,000		96,000
State meat inspection	711,964	631,750		631,750
Waterbank program	900,000	900,000		900,000
Pride of Dakota	157,050	157,050		157,050
Wildlife services	779,694	779,694		779,694
Safe Send	599,369	599,369		599,369
Noxious weeds	<u>1,346,836</u>	<u>1,346,836</u>		<u>1,346,836</u>
Total all funds	\$11,278,574	\$11,192,073	(\$22,493)	\$11,169,580
Less estimated income	<u>6,638,291</u>	<u>6,798,184</u>		<u>6,798,184</u>
General fund	\$4,640,283	\$4,393,889	(\$22,493)	\$4,371,396
FTE	55.50	55.50	0.00	55.50

Dept. 602 - Department of Agriculture - Detail of Conference Committee Changes

	REDUCE OPERATING ¹	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		
Operating expenses	(\$22,493)	(\$22,493)
Equipment		

Grants
Board of Animal Health
Ag mediation
Ag in the classroom
State meat inspection
Waterbank program
Pride of Dakota
Wildlife services
Safe Send
Noxious weeds

Total all funds	(\$22,493)	(\$22,493)
Less estimated income		
General fund	(\$22,493)	(\$22,493)
FTE	0.00	0.00

¹ Adjustment to reflect increases in travel authorized in the executive recommendation. Reduces the \$72,493 increase in travel for administration to \$50,000.

The amendment extends the sunset clause on the \$350 pesticide product registration fee until June 30, 2003. The product registration fee will revert to \$300 for each product registered after June 30, 2003. The Conference Committee did not change the Senate language.

The Conference Committee changed the Senate requirement for fees for collection of select chemicals to fees for the collection of rinsate sufficient to cover the cost of disposal associated with the rinsate collected.

The Conference Committee added a section to amend a section created in House Bill No. 1328 relating to the membership of the Crop Protection Product Harmonization and Registration Board.

Engrossed HB 1009 was placed on the Seventh order of business on the calendar.

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 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.

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

WILLIAM R. HORTON, Secretary

