

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, April 11, 2003

The House convened at 8:15 a.m., with Speaker Wentz presiding.

The prayer was offered by Father Paul Becker, Church of Corpus Christi, Bismarck.

The roll was called and all members were present except Representatives Kempenich and F. Klein.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 1191, line 17, remove the second "-818" and remove the word "further"

Page 1227, line 18, remove the word "further"

Page 1306, line 7, after 4 replace "O" with "-U"

Page 1424, line 20, remove the word "further"

Page 1426, line 10, replace "834-835" with "1002-1003" and remove the word "further"

The corrections were needed due to incorrect committee reports.

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

**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 1023:** Sens. Kringstad; Christmann; Krauter

**HB 1489:** Sens. Freborg; Cook; Christenson

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

**MR. SPEAKER:** The Senate has passed unchanged: HCR 3078.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2334 and wishes to inform you that the Senate does now concur with the House amendments to SB 2334 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2334.

**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 2018, SB 2023, SB 2024, SB 2025, and SB 2045.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1019.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1019**

In lieu of the amendments adopted by the Senate as printed on pages 1265-1269 and pages \_\_\_\_\_ of the Senate Journal, Engrossed House Bill No. 1019 is amended as follows:

Page 1, line 2, replace "for a report to the budget" with "an exemption"

Page 1, line 3, remove "section"

Page 1, line 4, replace "to designate the department of commerce as the state's fiscal" with "to create and enact two new sections to chapter 54-60 of the North Dakota Century Code, relating to a continuing appropriation and centers of excellence"

Page 1, line 5, remove "agent for workforce development programs"

Page 1, line 15, replace "6,718,913" with "6,713,340"

Page 1, line 16, replace "8,442,124" with "8,442,223"

Page 1, line 17, replace "73,864,584" with "46,585,026"

Page 1, after line 17, insert:

"Discretionary grants	1,647,127
North Dakota development fund	2,000,000"

Page 1, line 18, replace "5,483,385" with "2,983,179"

Page 1, line 19, replace "852,014" with "851,911"

Page 1, line 20, replace "95,361,020" with "69,222,806"

Page 1, line 21, replace "77,534,217" with "51,954,482"

Page 1, line 22, replace "17,826,803" with "17,268,324"

Page 2, replace lines 3 through 6 with:

**"SECTION 3. EXEMPTION.** The funds appropriated in the discretionary grants line item in section 1 of this Act are not subject to section 54-44.1-11 and any unexpended funds from this line item may be spent during the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 2, remove lines 16 through 18

Page 3, remove lines 1 through 17

Page 3, line 27, after "The" insert "discretionary"

Page 4, replace lines 1 through 8 with:

**"SECTION 11. RED RIVER VALLEY RESEARCH CORRIDOR MARKETING.** The discretionary grants line item in section 1 of this Act includes \$200,000 from the general fund for the purpose of contracting with a private organization for conducting a marketing and image-building campaign for the red river valley research corridor during the second year of the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 12. FORT ABRAHAM LINCOLN GRANT.** The discretionary grants line item in section 1 of this Act includes \$100,000 from the general fund for the tourism division for the purpose of providing a grant to the Fort Abraham Lincoln foundation for costs associated with the national guard reconstruction of the seventh cavalry stable, interpretation of the stable, and maintenance and repairs of other fort buildings, for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 13. DEVELOPMENT FUND - CENTERS OF EXCELLENCE GRANTS.** Notwithstanding chapter 10-30.5, the department of commerce shall provide a grant from the development fund of \$1,500,000 to the North Dakota state university center for technology enterprise and of \$1,000,000 to the university of North Dakota center for innovation. The department shall provide the grant on October 1, 2003.

**SECTION 14. LEGISLATIVE INTENT - INTERNSHIP PROGRAM.** It is the intent of the legislative assembly that the department of commerce workforce development division develop an internship program involving its internet web site and in conjunction with North Dakota university system programs.

**SECTION 15.** Two new sections to chapter 54-60 of the North Dakota Century Code are created and enacted as follows:

Internet web site fee collections - Continuing appropriation. Notwithstanding any other section of law, any moneys received by the department of commerce as

subscriptions, commissions, fees, or other revenue from its career guidance and job opportunity services internet web site and deposited in its operating fund are hereby appropriated to the department on a continuing basis for payment of expenses related to administration of the web site.

Centers of excellence.

1. The department shall establish and administer a centers of excellence program. The centers of excellence include the North Dakota state university center for beef systems, the North Dakota state university center for nanoscale science and engineering, the North Dakota state university center for technology enterprise, the North Dakota state university center for high performance computing, the university of North Dakota center for innovation, and the university of North Dakota center for aerospace sciences. Before January 1, 2004, the foundation, in consultation with the state board of higher education, shall establish and shall provide the department with centers of excellence eligibility criteria. The department may designate additional centers of excellence based on the established eligibility criteria.
2. The purpose of the program is to develop and engage strategies for science and technology research and development, commercialization, entrepreneurship, infrastructure, and activities in the state to develop innovative approaches that expand the gross state product; to assist efforts to attract private and federal assistance for science and technology research and development and for commercialization in growth clusters most likely to increase the gross state product; to increase collaboration among state, federal, and private research and development and technology commercialization organizations in the state; to strengthen the leadership and support of the national science foundation experimental program to stimulate competitive research programs and to encourage partnerships with other state institutions for expanded efforts to stimulate economic growth in identified industry clusters; to provide leadership in science and technology policy at a regional, a national, and an international level; and to create employment opportunities for North Dakota university system graduates. Identified industry clusters include advanced manufacturing, aerospace, energy, information and technology, tourism, and value-added agriculture.
3. An application for funds under the centers for excellence program must be received by the department before July first of the biennium during which the funds are awarded. A recipient of funds under this section shall use the funds to enhance capacity, enhance infrastructure, and leverage state, federal, and private sources of funding. Funds awarded under this section may not be used for operations or for academic instruction. The department may award funds under this section to research universities, university-related foundations, and public institutions that are located in the state which demonstrate the potential to deliver expertise and service to industry clusters that will contribute to the gross state product. A recipient of funds under this section which is an institution of higher education under the control of the board of higher education or which is a nonprofit university-related foundation shall provide the department with documentation of availability of two dollars of matching funds for each dollar of funds awarded under this section as a condition of eligibility for receipt of funds under this section; shall provide the department with annual reports for the four years following receipt of the funds; and may not use funds awarded under this section for indirect cost recovery."

Page 4, line 17, after the second "than" insert "two hundred", remove the overstrike over "~~fifty~~", and remove "one"

Page 4, line 18, remove "hundred"

Page 5, overstrike lines 5 and 6

Page 5, line 7, overstrike "7." and insert immediately thereafter "6."

Page 5, line 11, overstrike "8." and insert immediately thereafter "7."

Page 5, line 17, overstrike "9." and insert immediately thereafter "8."

Page 5, line 26, replace "2003" with "2002"

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1019 - Department of Commerce - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$6,791,269	\$6,718,913	(\$5,573)	\$6,713,340
Operating expenses	8,842,124	8,442,124	99	8,442,223
Grants	48,032,153	73,864,584	(27,279,558)	46,585,026
Agricultural products utilization	6,770,557	5,483,385	(2,500,206)	2,983,179
Lewis and Clark bicentennial	853,147	852,014	(103)	851,911
Discretionary grants			1,647,127	1,647,127
North Dakota development fund			2,000,000	2,000,000
Total all funds	\$71,289,250	\$95,361,020	(\$26,138,214)	\$69,222,806
Less estimated income	<u>55,759,805</u>	<u>77,534,217</u>	<u>(25,579,735)</u>	<u>51,954,482</u>
General fund	\$15,529,445	\$17,826,803	(\$558,479)	\$17,268,324
FTE	57.00	57.00	0.00	57.00

## Dept. 601 - Department of Commerce - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>2</sup>	RESTORES OPERATING FUNDS <sup>3</sup>	CHANGES DEVELOPMENT FUND ADMINISTRATIVE COSTS <sup>4</sup>	REMOVES CONSOLIDATION OF WORKFORCE PROGRAMS <sup>5</sup>	REMOVES FUNDING FOR INTERNSHIP PROGRAMS <sup>6</sup>
Salaries and wages	(\$5,573)					
Operating expenses		(\$19,901)	\$20,000			
Grants					(\$25,032,431)	(\$1,000,000)
Agricultural products utilization	(206)					
Lewis and Clark bicentennial	(103)					
Discretionary grants						
North Dakota development fund						
Total all funds	(\$5,882)	(\$19,901)	\$20,000	\$0	(\$25,032,431)	(\$1,000,000)
Less estimated income	<u>(1,540)</u>			<u>(398,625)</u>	<u>(22,679,570)</u>	
General fund	(\$4,342)	(\$19,901)	\$20,000	\$398,625	(\$2,352,861)	(\$1,000,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	REMOVES FUNDING FOR ETHANOL INCENTIVES <sup>7</sup>	CREATES A SEPARATE LINE ITEM FOR DISCRETIONARY GRANTS <sup>8</sup>	ADDS FUNDING FOR DISCRETIONARY GRANTS <sup>9</sup>	ADDS FUNDING FOR FEASIBILITY STUDY <sup>10</sup>	ADDS FUNDING FOR MARKETING <sup>11</sup>
Salaries and wages					
Operating expenses					
Grants		(\$1,247,127)			
Agricultural products utilization	(\$2,500,000)				
Lewis and Clark bicentennial					
Discretionary grants		1,247,127	\$150,000	\$50,000	\$200,000
North Dakota development fund					
Total all funds	(\$2,500,000)	\$0	\$150,000	\$50,000	\$200,000
Less estimated income	<u>(2,500,000)</u>				
General fund	\$0	\$0	\$150,000	\$50,000	\$200,000
FTE	0.00	0.00	0.00	0.00	0.00

	ADDS FUNDING FOR DEVELOPMENT FUND <sup>12</sup>	TOTAL SENATE CHANGES
Salaries and wages		(\$5,573)
Operating expenses		99
Grants		(27,279,558)
Agricultural products utilization		(2,500,206)
Lewis and Clark		(103)

bicentennial Discretionary grants		1,647,127
North Dakota development fund	\$2,000,000	2,000,000
Total all funds	\$2,000,000	(\$26,138,214)
Less estimated income		<u>(25,579,735)</u>
General fund	\$2,000,000	(\$558,479)
FTE	0.00	0.00

<sup>1</sup> Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.

<sup>2</sup> This amendment reduces funding for information technology by \$19,901 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

<sup>3</sup> The operating expenses line item is increased to restore \$20,000 of the \$200,000 general fund reduction made by the House for operating costs of the research, business development, and marketing programs of the Division of Economic Development and Finance.

<sup>4</sup> The funding source for the administrative costs of the development fund is changed to the general fund, the same as the executive budget. The House provided that development fund administrative costs be paid from the development fund.

<sup>5</sup> The section added by the House designating the Department of Commerce as the state's fiscal agent and administrator of all workforce development and workforce training funds is removed. As a result, funding added by the House for the following programs is removed:

AGENCY/ PROGRAM	GENERAL FUND	FEDERAL FUNDS	SPECIAL FUNDS	TOTAL
Department of Human Services - Job opportunities and basic skills (JOBS)		(\$8,225,614)		(\$8,225,614)
Department of Human Services - Basic employment skills training (BEST)		(391,198)	(\$7,500)	(398,698)
Job Service - Workforce 2000	(\$1,002,861)			(1,002,861)
Job Service - Senior community service employment		(1,070,352)		(1,070,352)
Job Service - Trade adjustment assistance		(99,800)		(99,800)
Job Service - Workforce Investment Act		(12,735,106)		(12,735,106)
Job Service - New jobs training program			(150,000)	(150,000)
Board for Vocational and Technical Education - Workforce training contracts	(1,350,000)			(1,350,000)
Total	(\$2,352,861)	(\$22,522,070)	(\$157,500)	(\$25,032,431)

<sup>6</sup> Removes funding added by the House for grants for direct support of internships for students entering growth industries that have critical shortages of available employees. A section of legislative intent is added providing that the workforce development division develop a streamlined internship program involving its web site and in conjunction with university system efforts.

<sup>7</sup> Funding of \$2.5 million from the highway tax distribution fund for ethanol incentive payments is removed in accordance with provisions of Senate Bill No. 2222 which includes a continuing appropriation for the Agricultural Products Utilization Commission to make ethanol incentive payments.

<sup>8</sup> Funding for the director's discretionary grants is removed from the grants line item and established as a separate line item in the bill. A section is added allowing the department to continue the appropriation authority included in this line item beyond the 2003-05 biennium.

<sup>9</sup> The discretionary grants line item is increased by \$150,000 from the general fund. The department is expected to have unspent general fund appropriation authority of at least \$200,000 for the 2001-03 biennium, \$150,000 of which has not been included in the March revised general fund turnback estimate for the 2001-03 biennium.

<sup>10</sup> Adds funding for preparing a North Dakota proposal to attract a high-tech manufacturing facility to the state.

<sup>11</sup> The discretionary grants line item is increased by \$200,000 from the general fund. A section of legislative intent is added providing that this funding be used for a marketing and image-building campaign for the Red River Valley research corridor beginning in the second year of the biennium.

<sup>12</sup> Funding is added for the development fund.

The section added by the House designating \$25,000 of the director's discretionary grants for use in rescues of visitors to North Dakota tourist attractions is removed.

A section is added providing that the department use \$100,000 of the discretionary grants line item to provide a grant to the Fort Abraham Lincoln Foundation for reconstruction and interpretation of the Seventh Cavalry stable at the fort and for maintenance and repairs of other fort buildings.

The section added by the House precluding the department from spending funding to support the New Economy Initiative is removed.

The section added by the House providing for annual reports to the Budget Section on select activities and outcomes of the department is removed.

A section is added providing a continuing appropriation for moneys collected from the NDhasjobs.com internet web site.

The maximum seed capital investment that is eligible for an individual income tax credit is increased from the House version of \$100,000 to \$250,000, provisions limiting investments in one qualified business to no more than \$250,000 is removed, and the effective date is changed from taxable years beginning after December 31, 2003, to taxable years beginning after December 31, 2002.

Sections are added creating a Centers of Excellence program and identifying the following entities as Centers of Excellence for the 2003-05 biennium:

- NDSU Center for Beef Systems
- NDSU Center for Nanoscale Science and Engineering
- UND Center for Innovation
- NDSU Center for Technology Enterprise
- UND Center for Aerospace Sciences
- NDSU Center for High Performance Computing

A section is added providing that as of October 1, 2003, the development fund provide \$1.5 million to the NDSU Technology Enterprise and \$1 million to the UND Center for Innovation.

**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 1015, HB 1016.

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

Page 1, line 3, after the third semicolon insert "to amend and reenact sections 15-05-07, 15-05-16, and 23-20.2-03, subsections 2 and 4 of section 23-25-02, sections 23-29-07.6, 23-29-07.7, and 23-33-10, subdivision k of subsection 1 of section 38-08-04, sections 38-08-04.2, 38-12-02, 38-12-03, 38-12.1-01, 38-12.1-02, and 38-12.1-04, subsection 1 of section 38-12.1-05, subsections 12 and 24 of section 38-14.1-03, subsection 2 of section 38-14.1-21, sections 38-15-03, 38-19-03, 38-19-04, 54-17.3-02, 54-17.3-03, 54-17.3-04, 54-17.3-05, 54-17.3-06, 54-17.3-07, and 54-17.4-01, subsection 14 of section 54-17.4-02, sections 54-17.4-06, 54-17.4-07, 54-17.4-09, 54-17.4-10, 54-17.4-11, and 54-17.4-12, and subsection 1 of section 61-28-03 of the North Dakota Century Code, relating to the state geologist; to repeal section 54-17.4-05 of the North Dakota Century Code, relating to the state geologist; to provide an effective date;"

Page 1, line 14, replace "6,264,047" with "5,871,834"

Page 1, line 15, replace "1,947,591" with "1,916,559"

Page 1, line 19, replace "44,380,928" with "43,957,683"

Page 1, line 20, replace "37,296,489" with "37,295,870"

Page 1, line 21, replace "7,084,439" with "6,661,813"

Page 2, line 1, replace "16,546,603" with "16,527,614"

Page 2, line 2, replace "11,372,000" with "11,014,932"

Page 2, line 5, replace "30,243,603" with "29,867,546"

Page 2, line 14, replace "16,703,856" with "16,690,956"

Page 2, line 18, replace "30,018,282" with "30,005,382"

Page 2, line 21, replace "3,934,267" with "3,929,907"

Page 2, line 25, replace "33,618,207" with "33,613,847"

Page 2, line 26, replace "15,159,439" with "14,736,813"

Page 2, line 27, replace "131,176,581" with "130,782,645"

Page 2, line 28, replace "146,336,020" with "145,519,458"

Page 4, line 5, after "TRANSFER" insert "- INDUSTRIAL COMMISSION REPORT"

Page 4, line 11, after the period insert "The industrial commission shall report to the fifty-ninth legislative assembly regarding the mill and elevator association's net income to date and estimated net income for the remainder of the 2003-05 biennium."

Page 5, after line 31, insert:

**"SECTION 14. AMENDMENT.** Section 15-05-07 of the North Dakota Century Code is amended and reenacted as follows:

**15-05-07. Board to ascertain and keep schedule of all lands on which coal exists.** The board of university and school lands, with the assistance of the ~~state geologist~~ director of oil and gas, shall ascertain and determine the quantity and description of all lands under its control on which coal exists and shall compile and keep a statement and schedule of all such lands.

**SECTION 15. AMENDMENT.** Section 15-05-16 of the North Dakota Century Code is amended and reenacted as follows:

**15-05-16. Reports - ~~State-geologist~~ Director of oil and gas - State department of health.** The ~~state-geologist~~ director of oil and gas or the state department of health, on the request of the board of university and school lands, shall visit any land leased under section 15-05-09 and shall make a report of the visit to the board. The ~~state-geologist~~ director of oil and gas or the state department of health may not receive a fee for making the examination and report but must be paid necessary expenses incurred in connection therewith.

**SECTION 16. AMENDMENT.** Section 23-20.2-03 of the North Dakota Century Code is amended and reenacted as follows:

**23-20.2-03. Jurisdiction of the industrial commission.** The commission has jurisdiction and authority and is charged with the responsibility to enforce the provisions of this chapter. This chapter does not apply to any activity regulated under chapters 23-29, 38-08, 38-12, 61-28, and 61-28.1. The commission acting through the ~~office of the state geologist~~ director of oil and gas has the authority:

1. To require:
  - a. Identification of ownership of all facilities and equipment used for the underground storage and retrieval of material and waste disposal.
  - b. The making and filing of all logs and reports on facility location, drilling, boring, excavating, and construction and the filing, free of charge, of samples, core chips, and complete cores, when requested, in the office of the ~~state geologist~~ director of oil and gas.
  - c. The drilling, boring, excavating, and construction of facilities in a manner to prevent contamination and pollution of surface and ground water sources and the environment.
  - d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules of the commission relating to the underground storage and retrieval of material and waste disposal.

- e. Metering or other measuring of all material injected, emplaced, stored, disposed into, or retrieved from any facility regulated by this chapter.
  - f. That every person who operates a facility for the underground storage and retrieval of material or for waste disposal in this state shall keep and maintain complete and accurate records of the quantities and nature of material stored, retrieved, or disposed of, which records must be available to the commission or its agents at all times, and that every such person file with the commission such reports as it may prescribe.
  - g. That upon termination of the operation of any facility or activity regulated by this chapter, the operator of such facility shall restore the surface as nearly as possible to its original condition and productivity.
2. To regulate:
- a. The drilling, boring, excavating, and construction of all underground storage, retrieval, and waste disposal facilities.
  - b. Operations to assure the optimum performance of all facilities regulated by this chapter.
3. To limit and prescribe the nature, quantity, and source of materials to be stored in, whether as waste or otherwise, or retrieved from any facility regulated by this chapter.
4. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes of this chapter.

The jurisdiction granted the commission by this chapter is not exclusive and does not affect the jurisdiction of other governmental entities.

**SECTION 17. AMENDMENT.** Subsections 2 and 4 of section 23-25-02 of the North Dakota Century Code are amended and reenacted as follows:

2. There is hereby established an air pollution control advisory council, hereinafter referred to as the advisory council, of nine members to include the state health officer, the ~~state geologist~~ director of oil and gas, the director of the department of transportation, and six other members to be appointed by the governor, one of whom must be a representative of county or municipal government, one a representative of the solid fuels industry, one a representative of the fluid and gas fuels industry, one a representative of the environmental sciences, and two appointed at large.
4. The advisory council shall select its own chairman from among its members. The state health officer, ~~state geologist~~ director of oil and gas, and director of the department of transportation each may designate a principal deputy or assistant to act in the officer's place and stead. The chief sanitary engineer of the state department of health, or that officer's designated assistant, must be the principal administrative officer of the council.

**SECTION 18. AMENDMENT.** Section 23-29-07.6 of the North Dakota Century Code is amended and reenacted as follows:

**23-29-07.6. Preconstruction site review.** The department, in cooperation with the state engineer and the ~~state geologist~~ director of oil and gas, shall develop criteria for siting a solid waste disposal facility based upon potential impact on environmental resources. Any application for a landfill permit received after the department develops siting criteria as required by this section must be reviewed for site suitability by the department after consultation with the state engineer and ~~state geologist~~ director of oil and gas before any site development. Site development does not include the assessment or monitoring associated with the review as required by the department in consultation with the state engineer and ~~state geologist~~ director of oil and gas.

**SECTION 19. AMENDMENT.** Section 23-29-07.7 of the North Dakota Century Code is amended and reenacted as follows:



**23-29-07.7. Review of existing municipal waste landfills.** By July 1, 1995, the state engineer and ~~state geologist~~ director of oil and gas shall complete site suitability reviews of all existing municipal waste landfills within the state. The reports of such reviews must be provided to the department for use in site improvement, site remediation, or landfill closure.

**SECTION 20. AMENDMENT.** Section 23-33-10 of the North Dakota Century Code is amended and reenacted as follows:

**23-33-10. Wellhead protection program.** The department in cooperation with the state engineer and ~~state geologist~~ director of oil and gas shall assist in implementing a public water supply wellhead protection program for protection of ground water resources utilizing existing state and local statutory authority.

**SECTION 21. AMENDMENT.** Subdivision k of subsection 1 of section 38-08-04 of the North Dakota Century Code is amended and reenacted as follows:

- k. The filing free of charge of samples and core chips and of complete cores when requested in the office of the ~~state geologist~~ director of oil and gas within six months after the completion or abandonment of the well.

**SECTION 22. AMENDMENT.** Section 38-08-04.2 of the North Dakota Century Code is amended and reenacted as follows:

**38-08-04.2. Director of oil and gas.** The industrial commission is authorized to appoint a director of oil and gas and to set the director's salary within the limits of legislative appropriations. ~~The industrial commission may designate the state geologist as the director of oil and gas.~~

**SECTION 23. AMENDMENT.** Section 38-12-02 of the North Dakota Century Code is amended and reenacted as follows:

**38-12-02. Jurisdiction of commission.** The commission has jurisdiction and authority over all persons and property, public and private, necessary to enforce effectively the provisions of this chapter. Subject to the provisions of section 38-08-21, the ~~state geologist~~ director of oil and gas shall act as a supervisor charged with the duty of enforcing the regulations and orders of the commission applicable to the subsurface mineral resources of this state and the provisions of this chapter. The commission has authority to make such investigations as it deems proper to determine whether facts exist which justify action by the commission. The commission acting through the office of the ~~state geologist~~ director of oil and gas has the authority:

1. To require:
  - a. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the commission prescribed to govern the exploration, development, and production of subsurface minerals on state and private lands within the state of North Dakota.
  - b. The delivery, free of charge, to the ~~state geologist~~ director of oil and gas of the basic exploration data collected by the operator, within thirty days of field collection of such data. This data must include:
    - (1) Sample cuts, core chips, or whole cores.
    - (2) Sample logs, radioactivity logs, resistivity logs, or other types of electrical or mechanical logs.
    - (3) Elevation and location information on the data collection points.
    - (4) Other pertinent information as may be requested by the ~~state geologist~~ director of oil and gas.

The data so submitted is confidential for a period of one year when so requested by the operator and such period may be further extended upon approval by the commission.

- c. The filing of monthly production reports in the manner prescribed by the commission, and any other reports deemed necessary by the commission.
  - d. The conducting of all exploration, development, and production operations in such a manner as to prevent pollution of freshwater supplies, to provide for the protection of the environment and public safety, and to ensure the optimum recovery of the mineral resource.
  - e. The reclamation of all land disturbed by operations regulated by this chapter to a condition consistent with prior land use and productive capacity.
2. To regulate the drilling, and abandonment of exploration test holes and producing wells and all other exploration, development, production, and reclamation operations.
  3. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of this chapter.
  4. To inspect all exploration, development, and production sites. For the purposes of this subsection, the ~~state geologist~~ director of oil and gas or his representative shall have access to all exploration, development or production installations for purposes of inspection and shall have the authority to require the operator's aid if same is necessary and is requested.

**SECTION 24. AMENDMENT.** Section 38-12-03 of the North Dakota Century Code is amended and reenacted as follows:

**38-12-03. Permit required.** It is unlawful to commence operations for the exploration, development, or production of subsurface minerals without first obtaining a permit from the ~~state geologist~~ director of oil and gas, under such rules and regulations as may be prescribed by the commission and paying to the commission a fee for each such permit in an amount to be prescribed by the commission.

**SECTION 25. AMENDMENT.** Section 38-12.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**38-12.1-01. Legislative findings.** The legislative assembly of the state of North Dakota finds that:

1. The discovery and evaluation of coal deposits is advantageous in an industrial society.
2. Coal occurs hidden under the ground and must be searched for by diverse techniques, and that the search, exploration, or prospecting for coal is a necessary and expensive prerequisite to coal extraction and for land use planning in coal-bearing areas.
3. It is to the benefit of society to allow coal exploration and to require the information generated from exploration to be available to the ~~office of the state geologist~~ director of oil and gas.

**SECTION 26. AMENDMENT.** Section 38-12.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**38-12.1-02. Declaration of policy.** It is hereby declared to be in the public interest to have persons engaged in coal exploration or evaluation report their findings to the ~~office of the state geologist~~ director of oil and gas so that data on the location, quantity, and quality of coal, and the characteristics of associated material, will be available to assist the state in determining what the attitude of the state should be regarding future development of coal resources.

**SECTION 27. AMENDMENT.** Section 38-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**38-12.1-04. Jurisdiction of commission.** The commission has jurisdiction and authority over all persons and property, both public and private, necessary to effectively enforce ~~the provisions of~~ this chapter. The ~~state geologist~~ director of oil and

gas shall act as a supervisor charged with the duty of enforcing the regulations and orders of the commission applicable to the provisions of this chapter. The commission has authority to make such investigations as it ~~deems~~ determines proper to determine whether facts exist which justify action by the commission. The commission acting through the ~~office of the state geologist~~ director of oil and gas has the authority:

1. To require:
  - a. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the commission prescribed to govern the exploration for coal on state and private lands and roads used in coal exploration within the state of North Dakota.
  - b. The delivery, free of charge, to the ~~state geologist~~ director of oil and gas of the basic data collected during the course of the exploration within a reasonable time as may be prescribed by the ~~state geologist~~ director of oil and gas. The data so submitted is confidential and available only to the office of the ~~state geologist~~ director of oil and gas for official purposes for a period of two years, and such period of confidentiality must, upon application, be extended for one-year periods by the ~~state geologist~~ director of oil and gas, for a total period not to exceed ten years unless it is demonstrated that such period should be further extended in order to prevent possible resulting harm to the person, his successors, and assigns, who delivered such basic data to the ~~state geologist~~ director of oil and gas. The basic data must include, if specifically requested by the ~~state geologist~~ director of oil and gas and if the information has been developed by or for a person conducting the exploration:
    - (1) Sample cuts.
    - (2) Drillers' logs, sample logs, radioactivity logs, resistivity logs, or other types of electrical or mechanical logs.
    - (3) Elevation and location information on the data collection points.
    - (4) Other pertinent information as may be required by the ~~state geologist~~ director of oil and gas.
2. To require the plugging, covering, or reburial in an appropriate manner so as to protect environmental quality, general health and safety, and economic values, of all holes, pits, or trenches excavated during the course of coal exploration.
3. To promulgate and enforce rules, regulations, and orders to effectuate the provisions, purpose, and intent of this chapter.
4. To inspect all drilling or exploration sites. For the purposes of this subsection, the ~~state geologist~~ director of oil and gas or ~~his~~ the director's representatives ~~shall have~~ has access to all drilling or exploration installations regulated by this chapter for the purpose of inspection and sampling and ~~shall have the authority to~~ may require the operators' aid if ~~he~~ the director finds it necessary and requests it.
5. Notwithstanding any of the other provisions of this section, the commission acting through the office of the ~~state geologist~~ director of oil and gas shall require that any lands substantially disturbed in coal exploration, including excavations, roads, drill holes, and the removal of necessary facilities and equipment be reclaimed in accordance with the applicable performance standards of section 38-14.1-24. Reclamation must be accomplished so as to protect environmental quality, general health and safety, and economic values.

**SECTION 28. AMENDMENT.** Subsection 1 of section 38-12.1-05 of the North Dakota Century Code is amended and reenacted as follows:

1. It is unlawful to commence operations for drilling for the exploration for coal without first obtaining a permit from the ~~state geologist~~ director of oil and gas, under such rules ~~and regulations~~ as may be prescribed by the

commission, and paying to the commission a fee of one hundred dollars for each such permit area. The permit application must include a description of the exploration area, and the period of proposed exploration. The permit must be granted within thirty days after proper application is submitted therefor.

**SECTION 29. AMENDMENT.** Subsections 12 and 24 of section 38-14.1-03 of the North Dakota Century Code are amended and reenacted as follows:

12. To ~~promulgate regulations~~ adopt rules consistent with state law, in consultation with the ~~state geologist~~ director of oil and gas, state department of health, and the state engineer for the protection of the quality and quantity of waters affected by surface coal mining operations.
24. To provide by ~~regulation~~ rule for the conservation and utilization of other minerals found within the permit area during surface coal mining and reclamation operations in consultation with the ~~state geologist~~ director of oil and gas and to approve plans for the use of such other minerals outside the permit area so long as the permittee affirmatively demonstrates that such removal is lawful and will provide equal or greater protection to the environment and to public health and safety and will achieve reclamation consistent with the purposes of this chapter.

**SECTION 30. AMENDMENT.** Subsection 2 of section 38-14.1-21 of the North Dakota Century Code is amended and reenacted as follows:

2. The commission's approval or modification of the permit or permit revision application must include consideration of the advice and technical assistance of the state historical society, the state department of health, the state soil conservation committee, the state game and fish department, the state forester, the ~~state geologist~~ director of oil and gas, and the state engineer, and may also include those state agencies versed in soils, agronomy, ecology, geology, and hydrology, and other agencies and individuals experienced in reclaiming surface mined lands.

**SECTION 31. AMENDMENT.** Section 38-15-03 of the North Dakota Century Code is amended and reenacted as follows:

**38-15-03. Jurisdiction of commission.** The commission has continuing jurisdiction and authority over all persons and property, public and private, necessary to enforce effectively the provisions of this chapter. The ~~state geologist~~ director of oil and gas shall act as a supervisor charged with enforcing the regulations and orders of the commission applicable to the provisions of this chapter. The commission has authority to make investigations it deems proper to determine whether facts exist which justify action by the commission. The commission has the authority:

1. To require the furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the commission prescribed to govern, satisfy, and resolve conflicting interests among producers within North Dakota.
2. To resolve conflicting interests of producers of natural resources which cannot be voluntarily concluded by them in the public interest to eliminate waste, to the end that the producer, landowner, and mineral owner realize the greatest possible economic advantage.
3. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and intent of this chapter.

**SECTION 32. AMENDMENT.** Section 38-19-03 of the North Dakota Century Code is amended and reenacted as follows:

**38-19-03. Jurisdiction of the commission.** The commission has jurisdiction and authority and is charged with the responsibility to enforce ~~the provisions of~~ this chapter. This chapter does not apply to any activity regulated under chapters 38-08, 38-12, 38-12.1, 38-14.1, and 61-28. The jurisdiction granted to the commission by this chapter is not exclusive and does not affect the jurisdiction of other governmental entities. The commission acting through the office of the ~~state geologist~~ director of oil and gas has the authority:

1. To require:
  - a. Identification of ownership of all facilities, installations, and equipment used in the extraction of geothermal energy.
  - b. The making and filing of all logs and reports on facility location, drilling, boring, excavating, and construction and the filing, free of charge, of samples, core chips, and complete cores, when requested, in the office of the ~~state geologist~~ director of oil and gas.
  - c. The drilling, boring, casing, excavating, plugging, and construction of facilities in a manner to prevent contamination and pollution of surface and ground water sources and unnecessary environmental degradation.
  - d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the rules of the commission relating to the extraction of geothermal energy.
  - e. Metering or measuring all products extracted from or by means of a facility regulated by this chapter.
  - f. That every person who operates a geothermal energy extraction facility in this state shall keep and maintain complete and accurate records of the quantities and nature of products extracted from or by means of any facility, and the ultimate disposition of such products, which records must be available to the commission or its agents at all times, and that every such person file with the commission such reports as it may prescribe.
  - g. That upon termination of the operation of any facility or activity regulated by this chapter, the operator of the facility shall restore the surface as nearly as possible to its original condition and productivity.
2. To regulate:
  - a. The drilling, boring, excavating, and construction of all geothermal energy extraction facilities.
  - b. Operations to assure the optimum performance of all facilities regulated under this chapter.
3. To limit and prescribe the nature, quantity, and source of geothermal energy to be extracted from any facility regulated by this chapter.
4. To adopt rules and issue orders to effectuate the purposes of this chapter.

**SECTION 33. AMENDMENT.** Section 38-19-04 of the North Dakota Century Code is amended and reenacted as follows:

**38-19-04. Permit or report required.** It is unlawful to commence any operations for the drilling, boring, excavating, or construction of a geothermal energy extraction facility, which is used for other than private residential heating and cooling purposes, without first securing a permit from the ~~state geologist~~ director of oil and gas, under such rules as may be adopted by the commission and after paying to the commission a fee for each such facility in an amount to be prescribed by the commission by rule. The fee set must be related to the cost of regulation and inspection under this chapter.

A report is required upon completion of any geothermal energy extraction facility used solely for private residential heating or cooling purposes. The report must be prepared by the geothermal energy extraction facility installer on a form provided by the ~~state geologist~~ director of oil and gas and must be furnished to the ~~state geologist~~ director of oil and gas within thirty days after the completion of the facility. The report must contain relevant information the ~~state geologist~~ director of oil and gas requires relating to the environmental safety of the facility, including the facility owner and location, a log of formations penetrated, if any, system specifications and design, and fluids used in the facility.

All construction of geothermal energy extraction facilities must comply with rules adopted under this chapter.

**SECTION 34. AMENDMENT.** Section 54-17.3-02 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.3-02. Jurisdiction of the commission.** The commission, acting through the ~~office of the state geologist~~ director of oil and gas, has jurisdiction and authority to enforce the provisions of sections 54-17.3-01 through 54-17.3-08. The commission has authority to make such investigations as it deems proper to determine whether facts exist which justify action by the commission. The commission has authority to adopt rules and issue orders to effectuate the provisions of sections 54-17.3-01 through 54-17.3-08.

**SECTION 35. AMENDMENT.** Section 54-17.3-03 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.3-03. Permit required.** A permit must be obtained by any person, organization, institution, or company engaged on one's own behalf or on behalf of another to:

1. Identify or evaluate paleontological resources to satisfy state or federal requirements; or
2. Investigate, excavate, collect, or otherwise record paleontological resources on land owned by the state or its political subdivisions.

A permit may be issued upon filing of an application that contains information prescribed by the ~~state geologist~~ director of oil and gas and upon the applicant's payment to the ~~state geologist~~ director of oil and gas of the fee set by the ~~state geologist~~ director of oil and gas. The ~~state geologist~~ director of oil and gas may waive the fee requirement if the applicant is an instrumentality of the state. A permit may be issued only for the activities and at the locations described in the permit application.

**SECTION 36. AMENDMENT.** Section 54-17.3-04 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.3-04. Permit - Duration - Revocation.** A permit issued under sections 54-17.3-01 through 54-17.3-08 expires on December thirty-first of the year in which it is issued. A permit may be extended upon written request to the ~~state geologist~~ director of oil and gas before expiration of the permit and upon payment to the ~~state geologist~~ director of oil and gas of the fee set by the ~~state geologist~~ director of oil and gas. A permit may be revoked at any time if it appears the permittee secured the permit through false information or that any activities performed by the permittee are being conducted negligently or improperly, or without regard for the careful preservation and conservation of the paleontological resource.

**SECTION 37. AMENDMENT.** Section 54-17.3-05 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.3-05. Coordination of quaternary fossil finds.** The ~~state geologist~~ director of oil and gas shall notify the director of the state historical society of all quaternary paleontological finds reported to the ~~state geologist~~ director of oil and gas which potentially or actually contain cultural resources. The treatment of sites containing both paleontological remains and cultural resources must be handled in a manner jointly agreed upon by the ~~state geologist~~ director of oil and gas and the director. The term cultural resources has the same definition as the term is defined in section 55-03-00.1.

**SECTION 38. AMENDMENT.** Section 54-17.3-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.3-06. Protection of paleontological specimens and sites.** Any paleontological resource found or located upon any land owned by the state or its political subdivisions may not be destroyed, defaced, altered, removed, or otherwise disposed of in any manner without approval of the ~~state geologist~~ director of oil and gas. The ~~state geologist~~ director of oil and gas shall determine the significance of the paleontological resource to the understanding of the paleontologic and geologic history of North Dakota. It is the responsibility of the state and its political subdivisions to

cooperate with the ~~state geologist~~ director of oil and gas in identifying and implementing any reasonable alternative to destruction or alteration of any paleontological resource.

**SECTION 39. AMENDMENT.** Section 54-17.3-07 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.3-07. Transfer of paleontological resources.** The ~~state geologist~~ director of oil and gas may exchange with or transfer to universities, colleges, governmental bodies, and scientific institutions duplicate paleontological resources it holds. The state historical society must receive preference for the receipt of duplicate paleontological resources.

**SECTION 40. AMENDMENT.** Section 54-17.4-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.4-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Commission" means the North Dakota industrial commission.
2. ~~"State geologist" means the North Dakota state geologist~~ Director means the director of oil and gas.
3. "Survey" means the North Dakota geological survey.

**SECTION 41. AMENDMENT.** Subsection 14 of section 54-17.4-02 of the North Dakota Century Code is amended and reenacted as follows:

14. Consider such other scientific and economic questions in the field of geology as in the judgment of the ~~state geologist~~ director is ~~deemed determined to be~~ of value to the people of the state.

**SECTION 42. AMENDMENT.** Section 54-17.4-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.4-06. ~~State geologist~~ Director - Authority.** The ~~state geologist~~ director is the executive and administrative head of the survey and shall exercise the powers of the office and be responsible for the execution of its duties.

**SECTION 43. AMENDMENT.** Section 54-17.4-07 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.4-07. ~~State geologist~~ Director - Grants, funds, and contracts.** The ~~state geologist~~ director, with the approval of the commission, may accept and expend money from and enter into contracts with federal, state, local, or other public entities to carry out the purposes of this chapter or to provide geological services. If such funds exceed appropriations made by the legislative assembly, the ~~state geologist~~ director shall seek emergency commission approval for their expenditure.

**SECTION 44. AMENDMENT.** Section 54-17.4-09 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.4-09. ~~State geologist~~ Director - Specimens collected - Exhibited - Exchanged.** The ~~state geologist~~ director shall cause proper specimens, skillfully prepared, secured, and labeled, of rocks, minerals, ores, coals, fossils, and other earth materials discovered or examined in the course of the geological surveys to be preserved for public inspection free of cost. The ~~state geologist~~ director, when practicable, shall cause duplicate specimens in reasonable numbers and quantities to be collected and preserved for the purpose of exchange with or transfer to universities, colleges, governmental bodies, and scientific institutions.

**SECTION 45. AMENDMENT.** Section 54-17.4-10 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.4-10. ~~State geologist~~ Director - Purchase and sale of maps - Appropriation.** The ~~state geologist~~ director is ~~authorized to~~ director may purchase cartographic products from the federal government for the purpose of reselling the products to the public at a fee set by the ~~state geologist~~ director. All moneys collected from the sale of the products must be deposited in the cartographic products fund. This fund must be maintained as a special fund and all moneys transferred into the fund are

hereby appropriated and must be used and disbursed solely for the purpose of paying the ~~state geologist's~~ director's cost of purchasing and reselling the products.

**SECTION 46. AMENDMENT.** Section 54-17.4-11 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.4-11. ~~State geologist~~ Director - Colleges and universities - Cooperation.** The board of higher education and the survey shall develop a cooperative agreement for the sharing of books, equipment, and other physical resources.

**SECTION 47. AMENDMENT.** Section 54-17.4-12 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.4-12. ~~State geologist~~ Director - Collection of global positioning system data - Fee.** All moneys collected for the sale of global positioning system community-base station data must be deposited in the global positioning system community-base station fund. This fund must be maintained as a revolving fund and all moneys transferred into the fund are hereby appropriated and must be used and disbursed solely for the purpose of paying the ~~state geologist's~~ director's cost of collecting and distributing the data. This fund is not subject to section 54-44.1-11.

**SECTION 48. AMENDMENT.** Subsection 1 of section 61-28-03 of the North Dakota Century Code is amended and reenacted as follows:

1. The state water pollution control board consists of thirteen persons. The board must include the state health officer, state engineer, director of the game and fish department, ~~state geologist~~ director of oil and gas, and nine other members appointed by the governor, three of whom must be representatives of production agriculture, two of whom must be representatives of manufacturing and processing, one of whom must be a representative of the solid fuels industry, one of whom must be a representative of the fluid and gas fuels industry, one of whom must be a representative of the environmental sciences, and one of whom must be a representative of county or municipal government.

**SECTION 49. REPEAL.** Section 54-17.4-05 of the North Dakota Century Code is repealed.

**SECTION 50. EFFECTIVE DATE.** Sections 14 through 49 of this Act become effective on January 1, 2004."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Industrial Commission				
Total all funds	\$44,449,595	\$44,380,928	(\$423,245)	\$43,957,683
Less estimated income	37,302,824	37,296,489	(619)	37,295,870
General fund	\$7,146,771	\$7,084,439	(\$422,626)	\$6,661,813
Bank of North Dakota				
Total all funds	\$38,494,966	\$38,318,603	(\$376,057)	\$37,942,546
Less estimated income	30,419,966	30,243,603	(376,057)	29,867,546
General fund	\$8,075,000	\$8,075,000	\$0	\$8,075,000
Housing Finance Agency				
Total all funds	\$33,660,732	\$33,618,207	(\$4,360)	\$33,613,847
Less estimated income	33,660,732	33,618,207	(4,360)	33,613,847
General fund	\$0	\$0	\$0	\$0
Mill and Elevator				
Total all funds	\$30,018,282	\$30,018,282	(\$12,900)	\$30,005,382
Less estimated income	30,018,282	30,018,282	(12,900)	30,005,382
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$146,623,575	\$146,336,020	(\$816,562)	\$145,519,458
Less estimated income	131,401,804	131,176,581	(393,936)	130,782,645
General fund	\$15,221,771	\$15,159,439	(\$422,626)	\$14,736,813

#### House Bill No. 1015 - Industrial Commission - Senate Action



	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$6,332,714	\$6,264,047	(\$392,213)	\$5,871,834
Operating expenses	1,947,591	1,947,591	(31,032)	1,916,559
Capital assets	68,300	68,300		68,300
Grants	16,270,000	16,270,000		16,270,000
Bond payments	<u>19,830,990</u>	<u>19,830,990</u>		<u>19,830,990</u>
Total all funds	\$44,449,595	\$44,380,928	(\$423,245)	\$43,957,683
Less estimated income	<u>37,302,824</u>	<u>37,296,489</u>	(619)	<u>37,295,870</u>
General fund	\$7,146,771	\$7,084,439	(\$422,626)	\$6,661,813
FTE	58.37	58.37	(5.00)	53.37

**Dept. 405 - Industrial Commission - Detail of Senate Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	REDUCES FUNDING FOR SALARIES AND WAGES AND REMOVES 6 FTE POSITIONS 3	ADDS FUNDING AND 1 FTE POSITION FOR PETROLEUM ENGINEER 4	TOTAL SENATE CHANGES
Salaries and wages	(\$6,089)		(\$535,500)	\$149,376	(\$392,213)
Operating expenses		(\$31,032)			(31,032)
Capital assets					
Grants					
Bond payments					
Total all funds	(\$6,089)	(\$31,032)	(\$535,500)	\$149,376	(\$423,245)
Less estimated income	(619)				(619)
General fund	(\$5,470)	(\$31,032)	(\$535,500)	\$149,376	(\$422,626)
FTE	0.00	0.00	(6.00)	1.00	(5.00)

1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

2 This amendment reduces funding for information technology by \$31,032 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

3 This amendment reduces funding for salaries and wages by \$535,500 from the general fund and removes six FTE positions as a result of the merger of the Oil and Gas Division and the Geological Survey.

4 This amendment adds funding and one FTE for the petroleum engineer IV position which was removed from the Oil and Gas Division in the Governor's recommendation.

**House Bill No. 1015 - Bank of North Dakota - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$16,722,966	\$16,546,603	(\$18,989)	\$16,527,614
Operating expenses	11,372,000	11,372,000	(357,068)	11,014,932
Capital assets	825,000	825,000		825,000
Contingencies	1,500,000	1,500,000		1,500,000
PACE fund	5,700,000	5,700,000		5,700,000
Agriculture PACE fund	1,425,000	1,425,000		1,425,000
Beginning farmer	<u>950,000</u>	<u>950,000</u>		<u>950,000</u>
Total all funds	\$38,494,966	\$38,318,603	(\$376,057)	\$37,942,546
Less estimated income	<u>30,419,966</u>	<u>30,243,603</u>	(376,057)	<u>29,867,546</u>
General fund	\$8,075,000	\$8,075,000	\$0	\$8,075,000
FTE	178.50	178.50	0.00	178.50

**Dept. 471 - Bank of North Dakota - Detail of Senate Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL SENATE CHANGES
Salaries and wages	(\$18,989)		(\$18,989)
Operating expenses		(\$357,068)	(357,068)
Capital assets			
Contingencies			
PACE fund			
Agriculture PACE fund			
Beginning farmer			
Total all funds	(\$18,989)	(\$357,068)	(\$376,057)
Less estimated income	<u>(18,989)</u>	<u>(357,068)</u>	<u>(376,057)</u>

General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

<sup>2</sup> This amendment reduces funding for information technology by \$357,068 from special funds, which represents a reduction in information technology funding from special funds of approximately 4 percent.

### House Bill No. 1015 - Housing Finance Agency - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,976,792	\$3,934,267	(\$4,360)	\$3,929,907
Operating expenses	2,415,560	2,415,560		2,415,560
Grants	27,168,380	27,168,380		27,168,380
HFA contingencies	<u>100,000</u>	<u>100,000</u>		<u>100,000</u>
Total all funds	\$33,660,732	\$33,618,207	(\$4,360)	\$33,613,847
Less estimated income	<u>33,660,732</u>	<u>33,618,207</u>	<u>(4,360)</u>	<u>33,613,847</u>
General fund	\$0	\$0	\$0	\$0
FTE	43.00	43.00	0.00	43.00

### Dept. 473 - Housing Finance Agency - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$4,360)	(\$4,360)
Operating expenses		
Grants		
HFA contingencies		
Total all funds	(\$4,360)	(\$4,360)
Less estimated income	<u>(4,360)</u>	<u>(4,360)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

### House Bill No. 1015 - Mill and Elevator - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$16,703,856	\$16,703,856	(\$12,900)	\$16,690,956
Operating expenses	13,014,426	13,014,426		13,014,426
Contingencies	250,000	250,000		250,000
Agriculture promotion	<u>50,000</u>	<u>50,000</u>		<u>50,000</u>
Total all funds	\$30,018,282	\$30,018,282	(\$12,900)	\$30,005,382
Less estimated income	<u>30,018,282</u>	<u>30,018,282</u>	<u>(12,900)</u>	<u>30,005,382</u>
General fund	\$0	\$0	\$0	\$0
FTE	125.00	125.00	0.00	125.00

### Dept. 475 - Mill and Elevator - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$12,900)	(\$12,900)
Operating expenses		
Contingencies		
Agriculture promotion		
Total all funds	(\$12,900)	(\$12,900)
Less estimated income	<u>(12,900)</u>	<u>(12,900)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

This amendment also requires the Mill and Elevator Association to report to the 59th Legislative Assembly regarding the Mill and Elevator's net income to date and estimated net income for the remainder of the 2003-05 biennium.

Sections are added changing the statutory reference from State Geologist to director of oil and gas, effective January 1, 2004.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016**

Page 1, line 2, after "rehabilitation" insert "; to provide a statement of legislative intent; to provide for legislative council studies"

Page 1, line 10, replace "20,461,983" with "21,605,127"

Page 1, line 11, replace "66,836,583" with "70,338,308"

Page 1, line 12, replace "9,651,218" with "9,635,918"

Page 1, line 13, replace "11,602,021" with "11,583,071"

Page 1, line 14, replace "108,551,805" with "113,162,424"

Page 1, line 15, replace "30,135,194" with "30,270,459"

Page 1, line 16, replace "78,416,611" with "82,891,965"

Page 2, after line 2, insert:

**"SECTION 4. LEGISLATIVE INTENT - ADDITIONAL UNSPENT GENERAL FUND APPROPRIATION AUTHORITY.** It is the intent of the fifty-eighth legislative assembly that the department of corrections and rehabilitation have unspent general fund appropriation authority of at least \$1,415,895 for the 2001-03 biennium. This includes \$242,000 that was previously planned to be used for the remodeling of the state hospital's nurses' building before June 30, 2003, and was not included in the March revised general fund turnback estimate for the 2001-03 biennium.

**SECTION 5. LEGISLATIVE COUNCIL STUDY - SOUTHWEST MULTI-COUNTY CORRECTION CENTER.** The legislative council shall consider studying, during the 2003-04 interim, the potential uses of the southwest multi-county correction center by the department of corrections and rehabilitation. If chosen, the study must consult with the North Dakota university system and industries, including oil-related industries, regarding the use of the southwest multi-county correction center facilities as a possible transition center, or other use, by the department of corrections and rehabilitation. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

**SECTION 6. LEGISLATIVE COUNCIL STUDY - PRESENTENCE REPORT.** The legislative council shall consider studying, during the 2003-04 interim, the effect of the department of corrections and rehabilitation conducting a presentence investigation, preparing a presentence report, making criminal records checks, and including that information in a report for the court. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

**SECTION 7. LEGISLATIVE COUNCIL STUDY - DEPARTMENT OF CORRECTIONS AND REHABILITATION AUTHORITY FOR PLACEMENT OF OFFENDERS.** The legislative council shall consider studying, during the 2003-04 interim, the impact of providing the department of corrections and rehabilitation with additional authority for placement of offenders sentenced to prison. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Field services	\$21,632,548	\$20,461,983	\$1,143,144	\$21,605,127
Prisons Division	71,185,029	66,836,583	3,501,725	70,338,308
Juvenile community services	9,615,306	9,651,218	(15,300)	9,635,918
Youth Correctional Center	<u>11,476,494</u>	<u>11,602,021</u>	<u>(18,950)</u>	<u>11,583,071</u>
Total all funds	\$113,909,377	\$108,551,805	\$4,610,619	\$113,162,424
Less estimated income	<u>30,992,766</u>	<u>30,135,194</u>	<u>135,265</u>	<u>30,270,459</u>
General fund	\$82,916,611	\$78,416,611	\$4,475,354	\$82,891,965
FTE	717.18	641.18	66.00	707.18

### Dept. 530 - Department of Corrections and Rehabilitation - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>2</sup>	RESTORES FUNDING AND FTEs FOR PROPOSED WOMEN'S PRISON <sup>3</sup>	REMOVES FUNDING FOR CONTRACT HOUSING FOR WOMEN INMATES <sup>4</sup>	RESTORES 1 PAROLE AND PROBATION OFFICER II <sup>5</sup>	RESTORES GENERAL FUND FUNDING <sup>6</sup>
Field services	(\$8,430)	(\$17,110)			\$90,376	\$1,078,308
Prisons Division	(51,875)	(37,652)	\$7,560,574	(\$6,642,320)		2,922,998
Juvenile community services	(3,521)	(11,779)				
Youth Correctional Center	<u>(9,549)</u>	<u>(9,401)</u>				
Total all funds	(\$73,375)	(\$75,942)	\$7,560,574	(\$6,642,320)	\$90,376	\$4,001,306
Less estimated income	<u>(5,987)</u>		<u>1,294,603</u>	<u>(1,243,727)</u>	<u>90,376</u>	
General fund	(\$67,388)	(\$75,942)	\$6,265,971	(\$5,398,593)	\$0	\$4,001,306
FTE	0.00	0.00	65.00	0.00	1.00	0.00
	SAVINGS FROM 90-DAY EARLY RELEASE PROGRAM <sup>7</sup>	TOTAL SENATE CHANGES				
Field services		\$1,143,144				
Prisons Division	(\$250,000)	3,501,725				
Juvenile community services		(15,300)				
Youth Correctional Center		<u>(18,950)</u>				
Total all funds	(\$250,000)	\$4,610,619				
Less estimated income		<u>135,265</u>				
General fund	(\$250,000)	\$4,475,354				
FTE	0.00	66.00				

<sup>1</sup> This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

<sup>2</sup> This amendment reduces funding for information technology by \$75,942 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

<sup>3</sup> This amendment restores the funding and 65 FTE positions for the Governor's recommendation for a women's prison at the State Hospital LaHaug Building, which was removed by the House.

<sup>4</sup> This amendment removes funding to contract to house all women inmates for the 2003-05 biennium, which was added by the House.

<sup>5</sup> This amendment restores one parole and probation officer II that was removed by the House.

<sup>6</sup> This amendment restores part of the general fund amount that the House had removed for the Field Services Division and the Prisons Division.

<sup>7</sup> This amendment reduces funding for the Prisons Division as a result of the 90-day early release program.

This amendment also adds six sections to the bill, Sections 4, 5, 6, 7, 8, and 9. Section 4 provides for an early release program; Section 5 provides an exemption to North Dakota Century Code Chapters 48-01.1 and 54-44.7 relating to public improvement contract bids and architect, engineer, and land surveying services; Section 6 provides legislative intent for unspent general fund appropriation authority; Section 7 provides for a Legislative Council study of the Southwest Multi-County Correction Center; Section 8 provides for a Legislative Council study of presentence reports; and Section 9 provides for a Legislative Council Study of the Department of Corrections and Rehabilitation authority for placement of offenders.

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

**MR. SPEAKER:** The President has signed: HB 1068, HB 1103, HB 1166, HB 1180, HB 1212, HB 1298, HB 1363, HB 1430, HB 1471, HB 1492, HCR 3024, HCR 3041, HCR 3053, HCR 3061.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2041, SB 2261, SB 2394, SB 2407, SB 2410, SCR 4001, SCR 4010, SCR 4022, SCR 4029, SCR 4040.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. CARLISLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1011, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1011: Reps. Timm, Skarphol, Kroeber.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. CARLISLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1012, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1012: Reps. Timm, Carlson, Glassheim.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. CARLISLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1019, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1019: Reps. Carlson, Carlisle, Glassheim.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BRUSEGAARD MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1021, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1021: Reps. Brusegaard, Wald, Gulleeson.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. MEIER MOVED** that the conference committee report on HB 1079 as printed on HJ pages 1100-1101 be adopted, which motion prevailed on a voice vote.

HB 1079, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1079:** A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Kretschmar

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

HB 1079 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. PORTER MOVED** that the conference committee report on HB 1223 be adopted, which motion prevailed on a voice vote.

HB 1223, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1223:** A BILL for an Act to create and enact a new section to chapter 20.1-04 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the opening date of pheasant season and the hunting of pheasants on certain lands in the state.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Amerman; Bellew; Brusegaard; Gulleson; Johnson, N.; Kretschmar; Ruby; Solberg; Wald

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

Engrossed HB 1223, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. M. KLEIN MOVED** that the conference committee report on HB 1236 be adopted, which motion prevailed on a voice vote.

HB 1236, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1236:** A BILL for an Act to amend and reenact sections 43-19.1-18 and 43-19.1-25 of the North Dakota Century Code, relating to professional engineer and land surveyor registration fees and recovery of legal costs in disciplinary matters.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Delzer; Froelich; Grosz; Kerzman; Skarphol

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

HB 1236 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. GALVIN MOVED** that the conference committee report on Engrossed HB 1255 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1255, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1255:** A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to windshield tinting.

#### ROLL CALL

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulletson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Froelich; Kerzman

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

Engrossed HB 1255, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. PORTER MOVED** that the conference committee report on HB 1269 be adopted, which motion prevailed on a voice vote.

HB 1269, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1269:** A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to the sale and distribution of tobacco products manufactured by tobacco product manufacturers not in compliance with state or federal law; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulletson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Brusegaard; Delmore; Grosz

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

Engrossed HB 1269, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. HAWKEN MOVED** that the conference committee report on HB 1292 be adopted, which motion prevailed on a voice vote.

HB 1292, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1292:** A BILL for an Act to amend and reenact sections 39-24-04 and 39-24-11 of the North Dakota Century Code, relating to a snowmobile access fee; to provide a penalty; to provide an appropriation; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boucher; Brusegaard; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bellevue; Boehning; Carlisle; Carlson; Clark; DeKrey; Delzer; Drovdal; Froelich; Grande; Grosz; Kasper; Kerzman; Pollert; Price; Ruby; Skarphol; Thoreson; Timm; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.; Svedjan

HB 1292 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. BELTER MOVED** that the conference committee report on Engrossed HB 1309 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1309, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1309:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for a portion of the cost of retrofitting an existing facility or adapting a new facility for producing or blending diesel fuel containing biodiesel fuel; to amend and reenact sections 24-02-01.5, 57-43.2-01, 57-43.2-02, and 57-43.2-03 of the North Dakota Century Code, relating to a special fuels tax reduction for fuel containing biodiesel; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan;



Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Rennerfeldt; Ruby

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

Engrossed HB 1309, as amended, passed and the title was agreed to.

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

**REP. DEVLIN MOVED** that the conference committee report on Engrossed HB 1414 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1414, as amended, was placed on the Eleventh order.

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

**HB 1414:** A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to reporting disease outbreaks to the state department of health in an emergency; to amend and reenact sections 23-07-02, 23-07.6-01, 23-07.6-02, 23-07.6-03, 23-07.6-04, 23-07.6-05, 23-07.6-06, 23-07.6-07, 23-07.6-08, 23-07.6-09, 23-07.6-10, 23-07.6-11, 23-07.6-12, subsection 8 of section 23-35-08, subdivision h of subsection 2 of section 23-35-12, and subsection 2 of section 40-06-01, relating to disease reporting and quarantine or isolation of persons infected or potentially infected with contagious diseases; and to provide a penalty.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hawken; Headland; Herbel; Hunsford; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Delzer; Froelich; Hanson; Kerzman; Kroeber; Pollert; Thorpe; Weisz

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

Engrossed HB 1414, as amended, passed and the title was agreed to.

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

**REP. PRICE MOVED** that the conference committee report on Engrossed HB 1425 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1425, as amended, was placed on the Eleventh order.

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

**HB 1425:** A BILL for an Act to amend and reenact section 25-16-07 of the North Dakota Century Code, relating to the disclosure of individual records of a treatment or care center for developmentally disabled individuals.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas;

Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

Engrossed HB 1425, as amended, passed and the title was agreed to.

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

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1469 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1469, as amended, was placed on the Eleventh order.

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

**HB 1469:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to eligibility for medical assistance; and to amend and reenact section 50-24.1-02.5 of the North Dakota Century Code, relating to eligibility for medical assistance.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 62 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Brusegaard; Carlisle; Clark; DeKrey; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Tieman; Timm; Uglen; Warner; Weisz; Wieland; Wikenheiser; Williams; Speaker Wentz

**NAYS:** Bellew; Belter; Boehning; Boucher; Carlson; Delmore; Delzer; Ekstrom; Froelich; Glassheim; Grande; Grosz; Gulleon; Headland; Iverson; Kelsh, S.; Kerzman; Klein, M.; Nottestad; Ruby; Sitte; Skarphol; Thoreson; Thorpe; Wald; Warnke; Weiler; Winrich; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Kempenich; Klein, F.

Engrossed HB 1469, as amended, passed and the title was agreed to.

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

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2015: Reps. Berg, Svedjan, Boucher.

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

**REP. SVEDJAN MOVED** that the House do not concur in the Senate amendments to HB 1003, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

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

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1003: Reps. Martinson, Wald, Aarsvold.

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

**REP. CARLISLE MOVED** that the House do not concur in the Senate amendments to HB 1015, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1015: Reps. Thoreson, Skarphol, Warner.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1016, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1016: Reps. Warnke, Delzer, Metcalf.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. SVEDJAN MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1022, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1022: Reps. Skarphol, Svedjan, Glassheim.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2232: Reps. Svedjan, Berg, Boucher.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. AARSVOLD MOVED** that the conference committee report on Engrossed HB 1018 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1018, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulletson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Boe; Iverson; Kempenich; Klein, F.

Engrossed HB 1018, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. HAAS MOVED** that the conference committee report on HB 1086 be adopted, which motion prevailed on a voice vote.

HB 1086, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1086:** A BILL for an Act to create and enact a new section to chapter 15.1-31 of the North Dakota Century Code, relating to open enrollment and the transfer of students from certain schools.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsford; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Boe; Iverson; Kempenich; Klein, F.

Reengrossed HB 1086, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on Engrossed SB 2160 as printed on HJ pages 1003-1004 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2160, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2160:** A BILL for an Act to create and enact sections 14-09-08.20, 14-09-09.32, 14-09-09.33, and 14-09-09.34 and a new section to chapter 50-09 of the North Dakota Century Code, relating to medical support, agreements to waive child support, judicial offsets of child support, income payer duties, and cooperative agreements for child support enforcement services; to amend and reenact sections 14-09-08.11, 14-09-09.13, and 14-09-09.15, subsections 1 and 9 of section 14-09-09.16, and sections 14-09-09.17, 14-09-09.30, and 26.1-36.5-03 of the North Dakota Century Code, relating to child support, medical support, and past-due child support; to provide a continuing appropriation; to provide for a report; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsford; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Boe; Iverson; Kempenich; Klein, F.

Engrossed SB 2160, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WARNKE MOVED** that the conference committee report on Reengrossed SB 2282 as printed on HJ pages 1004-1005 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2282, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2282:** A BILL for an Act to amend and reenact sections 15-52-03, 15-52-04, 15-52-16, 15-52-17, 15-52-18, and 15-52-20 of the North Dakota Century Code, relating to the membership and duties of the medical center advisory council and medical center loans; and to repeal sections 15-52-19 and 15-52-24 of the North Dakota Century Code, relating to medical center loan payments and loan insurance.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Froelich

**ABSENT AND NOT VOTING:** Belter; Boe; Iverson; Kempenich; Klein, F.

Reengrossed SB 2282, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. MARAGOS MOVED** that the conference committee report on HCR 3005 as printed on HJ pages 1292-1293 be adopted, which motion failed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a new Conference Committee on HCR 3005: Reps. Maragos, Kretschmar, Winrich.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PRICE MOVED** that the conference committee report on Engrossed HB 1291 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1291, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to amend and reenact sections 49-09-04.2 and 49-09-04.3 of the North Dakota Century Code, relating to the abandonment and the sale of abandoned railroad right of way.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Hanson; Johnson, D.; Kreidt; Kretschmar; Maragos; Nicholas; Niemeier; Norland; Rennerfeldt; Wikenheiser

**ABSENT AND NOT VOTING:** Belter; Boe; Kempenich; Klein, F.

Engrossed HB 1291, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

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

**MOTION**

**REP. BERG MOVED** that the House reconsider its action whereby HB 1035 failed to pass, which motion prevailed. HB 1035 was placed on the eleventh order of the succeeding day.

**MOTION**

**REP. BERG MOVED** that the House reconsider its action whereby HB 1018 passed, which motion prevailed. HB 1018 was placed on the Eleventh order of the succeeding day.

**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 1022.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1022**

Page 1, line 2, remove ", the state auditor, and the legislative council"

Page 1, line 3, replace "for a" with "an exemption"

Page 1, line 4, remove "general fund transfer", replace "legislative intent" with "for a legislative council study", and remove "a new section to chapter"

Page 1, line 5, remove "54-10 and"

Page 1, line 6, remove "information technology responsibilities of the state auditor and"

Page 1, line 8, remove the second "to"

Page 1, remove line 9

Page 1, line 10, remove "reviews;"

Page 1, line 18, replace "25,736,848" with "25,699,374"

Page 1, line 19, replace "33,120,860" with "33,117,659"

Page 1, line 21, replace "5,598,014" with "5,591,472"

Page 1, line 22, replace "764,028" with "731,952"

Page 1, line 23, replace "2,674,003" with "2,567,043"

Page 1, line 24, replace "7,536,689" with "7,386,662"

Page 2, line 2, replace "687,314" with "658,565"

Page 2, line 3, replace "1,286,738" with "1,337,138"

Page 2, line 5, replace "107,468,694" with "107,154,065"

Page 2, line 6, replace "93,679,908" with "97,255,242"

Page 2, line 7, replace "13,788,786" with "9,898,823"

Page 2, line 8, after "**PURPOSES**" insert "- **APPROPRIATION**"

Page 2, line 9, after "arrange" insert "through the issuance of evidences of indebtedness under chapter 54-17.2 from the effective date of this Act and ending June 30, 2005,"

Page 2, line 10, replace "\$16,400,000" with "\$20,000,000 to be loaned to the information technology department" and after "the" insert "purchase or lease of computer hardware and software and for the costs of the implementation services for the"

Page 2, line 11, replace ", which" with ". ConnectND" and replace ", through the" with "and is for the purpose of this Act, a project as that term is defined in chapter 54-17.2."

Page 2, remove line 12

Page 2, line 13, remove "and ending June 30, 2003."

Page 2, line 15, after the second comma insert "are"

Page 2, line 16, replace "include" with ", debt service repayment, and" and after "of" insert "ConnectND"

Page 2, line 18, after the period insert "For purposes of this Act, loan or debt service repayments are equivalent to lease rental payments as that term is used in chapter 54-17.2. ConnectND student fee revenues and other available funds are hereby appropriated to the North Dakota university system for the North Dakota university system's share of the ConnectND project costs, debt service repayment, refunding of ConnectND interim borrowings, and other costs incidental to ConnectND implementation."

Page 2, line 20, replace "July" with "June"

Page 2, line 27, replace "funds" with "charges", replace "available" with "and collected", and replace "higher education institutions" with "information technology department from users of the system"

Page 2, replace lines 28 through 30 with:

**"SECTION 4. FUNDING - EXCEPTION - AUTHORIZATION.** Notwithstanding section 54-16-04, the information technology department may transfer appropriation authority between line items within section 1 of this Act for the biennium beginning July 1, 2003, and ending June 30, 2005. The department shall notify the office of management and budget of any transfer made pursuant to this section. The department shall report any transfers made in excess of \$50,000 pursuant to this section to the budget section.

**SECTION 5. INFORMATION TECHNOLOGY LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying during the 2003-04 interim the potential for centralizing and consolidating information technology services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 12

Page 5, line 2, after "entity" insert "except the department may continue to provide the wide area network services it provided to the private, charitable, and nonprofit entities receiving services from the department on January 1, 2003. The department shall file with the state auditor before September 1, 2003, a description of the wide area network services the department provided to each private, charitable, and nonprofit entity receiving services from the department on January 1, 2003"

Page 5, remove lines 3 and 4

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1022 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Information Technology Department				
Total all funds	\$108,189,267	\$107,468,694	(\$314,629)	\$107,154,065
Less estimated income	97,581,730	93,679,908	3,575,334	97,255,242
General fund	\$10,607,537	\$13,788,786	(\$3,889,963)	\$9,898,823
State Auditor				
Total all funds	\$0	\$197,000	(\$197,000)	\$0

Less estimated income				
General fund	\$0	\$197,000	(\$197,000)	\$0
Legislative Council				
Total all funds	\$0	\$98,000	(\$98,000)	\$0
Less estimated income				
General fund	\$0	\$98,000	(\$98,000)	\$0
Bill Total				
Total all funds	\$108,189,267	\$107,763,694	(\$609,629)	\$107,154,065
Less estimated income	97,581,730	93,679,908	3,575,334	97,255,242
General fund	\$10,607,537	\$14,083,786	(\$4,184,963)	\$9,898,823

### House Bill No. 1022 - Information Technology Department - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$26,012,849	\$25,736,848	(\$37,474)	\$25,699,374
Operating expenses	33,120,860	33,120,860	(3,201)	33,117,659
Capital assets	5,323,000	5,323,000		5,323,000
Division of Independent Study	5,667,842	5,598,014	(6,542)	5,591,472
Educational Technology Council	796,655	764,028	(32,076)	731,952
EduTech	2,674,003	2,674,003	(106,960)	2,567,043
Wide area network	7,799,623	7,536,689	(150,027)	7,386,662
Enterprise resource planning system	20,000,000	20,000,000		20,000,000
Geographic information system	716,097	687,314	(28,749)	658,565
Prairie Public Broadcasting	1,337,138	1,286,738	50,400	1,337,138
Criminal justice information sharing	4,741,200	4,741,200		4,741,200
Total all funds	\$108,189,267	\$107,468,694	(\$314,629)	\$107,154,065
Less estimated income	97,581,730	93,679,908	3,575,334	97,255,242
General fund	\$10,607,537	\$13,788,786	(\$3,889,963)	\$9,898,823
FTE	248.20	248.20	0.00	248.20

### Dept. 112 - Information Technology Department - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>2</sup>	RESTORES FUNDING FOR THE DIVISION OF INDEPENDENT STUDY AND PRAIRIE PUBLIC BROADCASTING <sup>3</sup>	CHANGES FUNDING SOURCE <sup>4</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$21,154)	(\$16,320)			(\$37,474)
Operating expenses		(3,201)			(3,201)
Capital assets					
Division of Independent Study	(4,534)	(34,008)	\$32,000		(6,542)
Educational Technology Council	(210)	(31,866)			(32,076)
EduTech		(106,960)			(106,960)
Wide area network	(210)	(149,817)			(150,027)
Enterprise resource planning system					
Geographic information system	(105)	(28,644)			(28,749)
Prairie Public Broadcasting			\$50,400		50,400
Criminal justice information sharing					
Total all funds	(\$26,213)	(\$370,816)	\$82,400	\$0	(\$314,629)
Less estimated income	24,666			3,600,000	3,575,334
General fund	(\$1,547)	(\$370,816)	\$82,400	(\$3,600,000)	(\$3,889,963)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

<sup>2</sup> This amendment reduces funding for information technology by \$370,816 from the general fund.

<sup>3</sup> This amendment restores funding of \$32,000 from the general fund for the Division of Independent Study and funding of \$50,400 from the general fund for Prairie Public Broadcasting which had been removed by the House.

<sup>4</sup> This amendment changes the funding source for the enterprise resource planning system initiative (ConnectND) from \$3.6 million from the general fund and \$16.4 million from special funds (revenue bond proceeds or other available sources) to \$20 million of special funds (revenue bond proceeds), as recommended in the executive budget.

### House Bill No. 1022 - State Auditor - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Information technology audits		\$197,000	(\$197,000)	
Total all funds	\$0	\$197,000	(\$197,000)	\$0



Less estimated income				
General fund	\$0	\$197,000	(\$197,000)	\$0
FTE	0.00	2.00	(2.00)	0.00

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

	REMOVES FUNDING FOR INFORMATION TECHNOLOGY AUDITS <sup>1</sup>	TOTAL SENATE CHANGES
Information technology audits	(\$197,000)	(\$197,000)
Total all funds	(\$197,000)	(\$197,000)
Less estimated income		
General fund	(\$197,000)	(\$197,000)
FTE	(2.00)	(2.00)

<sup>1</sup> This amendment removes the general fund appropriation of \$197,000 provided to the State Auditor's office for the purpose of defraying costs associated with employing two information technology auditors for the 2003-05 biennium. In relation, this amendment also removes the new section to Chapter 54-10 of the North Dakota Century Code relating to information technology responsibilities of the State Auditor and the repeal of Section 54-59-13 relating to information technology reviews added by the House.

**House Bill No. 1022 - Legislative Council - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Information technology analysis		\$98,000	(\$98,000)	
Total all funds	\$0	\$98,000	(\$98,000)	\$0
Less estimated income				
General fund	\$0	\$98,000	(\$98,000)	\$0
FTE	0.00	1.00	(1.00)	0.00

**Dept. 160 - Legislative Council - Detail of Senate Changes**

	REMOVES FUNDING FOR INFORMATION TECHNOLOGY ANALYSIS <sup>1</sup>	TOTAL SENATE CHANGES
Information technology analysis	(\$98,000)	(\$98,000)
Total all funds	(\$98,000)	(\$98,000)
Less estimated income		
General fund	(\$98,000)	(\$98,000)
FTE	(1.00)	(1.00)

<sup>1</sup> This amendment removes the general fund appropriation of \$98,000 provided to the Legislative Council for the purpose of employing an information technology analyst and contracting for information technology analysis services.

This amendment also:

- Adds a section allowing the Information Technology Department to transfer between line items.
- Adds a section providing for a Legislative Council study of centralizing and consolidating information technology services.
- Removes the section added by the House providing a \$3 million transfer from the student loan trust fund to the general fund.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1438.

**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 1043.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2086, SB 2148, SB 2160, SB 2282, SB 2363.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3039.

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3039**

Page 1, line 1, after "resolution" replace the remainder of the resolution with "strongly encouraging the Governor, Attorney General, State Water Commission, and state agencies to continue aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, including the Northwest Area Water Supply Project, the Southwest Pipeline Project, Devils Lake flooding, delivery of water to eastern North Dakota, development of water resources for irrigation purposes, and development of projects to control flooding, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for affected cities in North Dakota.

**WHEREAS**, areas of the arid west-central region of North Dakota do not enjoy safe drinking water and do not have sufficient quantities of water to ensure a dependable, long-term supply of water which areas to the south currently enjoy; and

**WHEREAS**, many cities and rural areas in the Northwest Area Water Supply Project have domestic water supplies of less than desirable quality; and

**WHEREAS**, the Northwest Area Water Supply Project will pump Missouri River water from Lake Sakakawea as far north as Sherwood, as far east as Bottineau, and as far west as Divide County and will supply water to the city of Minot; and

**WHEREAS**, using Missouri River water to supply the Northwest Area Water Supply Project will be advantageous in that the residents of North Dakota, including the far west, it will receive a clean and abundant supply of water providing a more inviting home for potential businesses and industries which will strengthen local economies and result in more and better jobs for North Dakotans; and

**WHEREAS**, a safe, dependable supply of water is critical to the economic viability of the state and future economic development; and

**WHEREAS**, individuals, organizations, and entities have opposed North Dakota water projects for political rather than scientific reasons; and

**WHEREAS**, the Environmental Protection Agency has recently promulgated rules reducing the allowable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion; and

**WHEREAS**, several cities in North Dakota are being challenged to meet the stricter drinking water standard for arsenic; and

**WHEREAS**, as many as 30 public water systems in North Dakota which currently comply with drinking water standards may find it extremely difficult to comply with the new drinking water standard for arsenic in the short timeframe before the rules take effect;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Fifty-ninth Legislative Assembly strongly encourages the Governor, Attorney General, State Water Commission, and state agencies to continue aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, including the Northwest Area Water Supply Project, the Southwest Pipeline Project, Devils Lake flooding, delivery of water to eastern North Dakota, development of water resources for irrigation purposes, and development of projects to control flooding, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for affected cities in North Dakota; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Governor, Attorney General, State Engineer, each member of the State Water Commission, the chief of the Environmental Health Section of the State Department of Health, the director of the Division of Municipal Facilities of the Environmental Health Section of the State Department of Health, the administrator of the Environmental Protection Agency, the regional administrator for Region VIII of the Environmental Protection Agency, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

**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 1011:** Sens. Christmann; Bowman; Tallackson

**HB 1012:** Sens. Bowman; Schobinger; Tallackson

**HB 1019:** Sens. Grindberg; Holmberg; Robinson

**HB 1021:** Sens. Bowman; Holmberg; Lindaas

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

**MR. SPEAKER:** The President has appointed Sen. Cook to replace Sen. Freborg on the Conference Committee on HB 1489.

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

**MR. SPEAKER:** The President has appointed Sen. G. Lee to replace Sen. Cook on the Conference Committee on HB 1489.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report: SB 2345.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2149, SB 2150, SB 2188, SB 2190, SB 2235, SB 2384.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1123.

**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 1051, HB 1088, HB 1112.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2194, SB 2337, SB 2409.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1011, HB 1012, HB 1019, and HB 1021 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1011:** Reps. Timm; Skarphol; Kroeber

**HB 1012:** Reps. Timm; Carlson; Glassheim

**HB 1019:** Reps. Carlson; Carlisle; Glassheim

**HB 1021:** Reps. Brusegaard; Wald; Gulleon

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

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

**SB 2015:** Reps. Berg; Svedjan; Boucher

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1079, HB 1223, HB 1236, HB 1255, HB 1292, HB 1309, HB 1414, HB 1425, HB 1469.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1269.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently failed: HB 1035.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has appointed Rep. Haas to replace Rep. R. Kelsch on the Conference Committee on HB 1489.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

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

**HB 1489:** Reps. Haas; Herbel; Hunsakor

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

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

**HB 1003:** Reps. Martinson; Wald; Aarsvold

**HB 1015:** Reps. Thoreson; Skarphol; Warner

**HB 1016:** Reps. Warnke; Delzer; Metcalf

**HB 1022:** Reps. Skarphol; Svedjan; Glassheim

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

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

**SB 2232:** Reps. Svedjan; Berg; Boucher

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

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

**HCR3005:** Reps. Maragos; Kretschmar; Winrich

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has not adopted the conference committee report: HCR 3005.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1086, HB 1291.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2160, SB 2282.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2261.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1006, HB 1008, HB 1014, HB 1504, HCR 3079.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2041, SB 2194, SB 2337, SB 2394, SB 2407, SB 2409, SB 2410, SCR 4001, SCR 4010, SCR 4022, SCR 4029, SCR 4038, SCR 4039, SCR 4040.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1043, HB 1438, HCR 3078.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HCR 3027.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on April 11, 2003: HCR 3024, HCR 3041, HCR 3053, HCR 3061.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 11, 2003: HB 1068, HB 1103, HB 1166, HB 1180, HB 1212, HB 1298, HB 1363, HB 1430, HB 1471, HB 1492.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1050, as engrossed:** Your conference committee (Sens. Fischer, Tollefson, Every and Reps. Nelson, Norland, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1099-1100, adopt amendments as follows, and place HB 1050 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1099 and 1100 of the House Journal and pages 974 and 975 of the Senate Journal and that Engrossed House Bill No. 1050 be amended as follows:

Page 1, line 3, after the second comma insert "20.1-03-07.1,"

Page 1, line 5, after "outfitters" insert "and nonresident waterfowl hunters"

Page 4, line 12, replace "a person" with "an individual"

Page 4, line 13, replace "that person" with "the individual's business operation"

Page 4, line 18, after the underscored period insert "The term does not include a person holding title or an equitable interest in business operations if the primary purpose of the business operation is to provide food or lodging to the general public, chamber of commerce activities, travel agencies, or others that offer free information to attract outdoor and recreational use of their communities."

Page 4, line 23, remove "The term does not"

Page 4, remove lines 24 through 27

Page 12, after line 19, insert:

**"SECTION 3. AMENDMENT.** Section 20.1-03-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.1. Nonresident waterfowl hunting license required.** Except as provided in sections 20.1-03-07.2 and 20.1-03-07.3, a nonresident may not hunt waterfowl unless ~~that person~~ individual first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days, ~~any period of seven consecutive days,~~ or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. ~~A license authorizing one 7-day hunting period allows hunting statewide.~~ A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year."

Page 17, line 8, replace "A person" with "An individual"

Page 17, line 19, replace "the first five" with "under ten", replace "2023.43" with "4046.86", replace "one" with "five", and remove "every"

Page 17, line 20, replace "additional five" with "ten", replace "2023.43" with "4046.86", after the closing bracket insert "and over", and replace "guides" with "provides services"

Page 17, remove line 21

page 17, line 22, remove "this section." and replace "and legally defined" with "by the county with a list of lessors by county"

Page 17, line 23, remove "For the purposes of this section, "legally defined""

Page 17, remove line 24

Page 17, line 25, remove "outline." and after the second underscored period insert "The acreage day leased by county for the preceding year must be provided to receive a day leasing permit."

Page 17, line 28, after the underscored period insert "The director shall determine the number of acres by county exempted from licensure by this subsection and shall publish the results. The director shall provide written information to the public on the possible liability exposure for outfitting under this subsection and on the benefits of liability insurance and proper training."

Page 18, replace lines 4 and 5 with:

"3. Guide and outfitter licenses expire on December thirty-first of each year unless revoked at earlier date.

4."

Page 18, line 6, remove "department a renewal fee of the same amount of the license fee."

Page 18, line 26, remove "a resident"

Page 18, line 27, remove "and"

Page 19, line 2, replace "person is" with "individual and the individual's business operation are"

Page 19, line 6, replace "A person" with "An individual"

Page 19, line 8, replace "a person" with "an individual" and replace "had any" with "been convicted of a"

Page 19, line 10, after the underscored period insert "As used in this chapter, "conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, a judgment of conviction even though the court suspended execution of a sentence in accordance with subsection 3 of section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt which is reversed on appeal."

Page 19, after line 13, insert:

"7. An applicant for a hunting guide license must have legally hunted for part of each of any three years in a manner directly contributing to the individual's experience and competency as a guide."

Page 19, line 17, replace the first "shall" with "may" and replace the second "shall" with "may"

Page 19, line 18, after the underscored period insert "If the director requests a trade secret or proprietary information, the director shall request the information on a separate form, and that information is confidential and is not a public record subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota. The director may release this information, however, if it is aggregated so as not to identify any guide, outfitter, or client."

Page 19, line 20, replace "persons" with "individuals"

Page 19, line 31, after the underscored period insert "The director shall administer examinations at least twice a year; however, an examination may not be given within ninety days after the previous examination."

Page 20, remove lines 1 and 2

Page 21, line 7, replace "Another" with "Notwithstanding chapters 45-11 and 47-25, another" and after the first underscored comma insert "business name, fictitious name, trade name, internet address, world wide web uniform resource identifier."

Page 21, line 8, replace "committed" with "been convicted of"

Page 21, line 9, replace "violation" with "conviction"

Page 21, line 13, replace "person" with "individual"

Page 21, line 18, replace the second "person" with "individual"

Page 21, line 25, replace "a person" with "an individual"

Page 21, remove lines 28 and 29

Renumber accordingly

Engrossed HB 1050 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1291, as engrossed:** Your conference committee (Sens. Espegard, Nething, Taylor and Reps. Price, Weisz, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1144-1145, adopt amendments as follows, and place HB 1291 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1144 and 1145 of the House Journal and pages 986 and 987 of the Senate Journal and that Engrossed House Bill No. 1291 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "49-09-04.2" insert "and 49-09-04.3"

Page 1, line 2, after "the" insert "abandonment and the" and after the first "of" insert "abandoned"

Page 1, line 9, remove the overstrike over "~~property must first be offered~~" and replace "present" with "to the following persons in the order of priority as follows:"

- a. The present owner or operator-lessee of fixed assets located on the property;
- b. A person owning land contiguous to the right of way on opposite sides of the right of way;
- c. A person presenting a reasonable plan for public recreational use of the abandoned property which includes the continuation of current private and public crossings; and
- d. The adjoining landowner if the adjoining land, at the time of abandonment, is assessed for tax purposes as agricultural land"

Page 1, remove lines 10 through 12

Page 1, line 13, remove "acquire adjoining railroad property"

Page 1, line 19, after the overstruck period insert "The railroad company shall provide written notice to present owners and operator-lessees of fixed assets located on the property and shall publish notice of its intent to dispose of railroad right of way in two consecutive issues of the official county newspaper in each county in which the property is located. A railroad company is not required to give a priority party an option to purchase the property unless the party provides a written statement of interest to purchase the property within thirty days after final publication of notice of the railroad company's intent to dispose of the property. The sale price of abandoned railroad property must be equitable."

Page 1, line 20, remove the overstrike over "~~3.~~"

Page 1, after line 24, insert:

- "4. If a railroad complies with subsections 1 and 2 and five years have passed since abandonment or since service was discontinued, the railroad may deed the right of way to the county in which the right of way is located upon the acceptance of the county.

**SECTION 2. AMENDMENT.** Section 49-09-04.3 of the North Dakota Century Code is amended and reenacted as follows:

**49-09-04.3. Abandoned railway lines - Removal of abandoned materials - Charge by city, county, or state.** Unless otherwise allowed by the commission, any railroad corporation abandoning the use of any railway line in this state shall remove and clear all rail, ties, materials, supplies, and debris from the railway line and leave the surface in a condition easily traversable by a motor vehicle, and shall control noxious weeds on; the railway line right of way within a reasonable time. On request of a city or county in which there is an abandoned line, the commission shall require the railroad corporation, as to railway line right of way in that city or county, within a reasonable time, to take the action required by this section. On request of any state agency having an interest in any property abutting an abandoned railway line right of way, the commission shall require the railroad corporation, as to that railway line right of way, within a reasonable time, to take the action required by this section. The commission shall take all action necessary and appropriate, including the adoption of rules under chapter 28-32, to enforce this section. If a railroad corporation fails to take action required by this section, the requesting entity may do the work on the parts of the abandoned railway line right of way under that entity's jurisdiction. A county may do the work on the parts of the abandoned railway line right of way in the county, regardless of whether those parts are inside city limits. The entity doing the work may charge the railroad corporation the reasonable expense of doing the work. If the charges remain unpaid after ninety days, the entity may certify to the county auditor the amount of the charges imposed under this section. These charges become part of the taxes levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes and placed to the credit of the jurisdiction entitled to the charges. The taxpayer's right to appeal the assessment is governed by chapter 57-23."

Renumber accordingly

Engrossed HB 1291 was placed on the Seventh order of business on the calendar.

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

**HB 1372, as engrossed:** Your conference committee (Sens. Nething, Trenbeath, Taylor and Reps. Weisz, Headland, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1145-1146, adopt amendments as follows, and place HB 1372 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1145 and 1146 of the House Journal and page 988 of the Senate Journal and that Engrossed House Bill No. 1372 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 49-11-19 of the North Dakota Century Code, relating to obstructing a crossing by a train; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 49-11-19 of the North Dakota Century Code is amended and reenacted as follows:

##### **49-11-19. Blocking or obstructing crossing with train - Penalty. ~~No~~**

1. A person shall may not operate any train in ~~such~~ a manner as to prevent vehicular use of any roadway for a period of time in excess of ten consecutive minutes except:
  - 4- a. When necessary to comply with safety signals affecting the safety of the movement of trains;
  - 2- b. When necessary to avoid striking any object or person on the track;
  - 3- c. When the train is disabled, by accident or otherwise;
  - 4- d. When the train is in motion except when engaged in switching operations or loading or unloading operations;
  - 5- e. When ~~there is no~~ vehicular traffic is not waiting to use the crossing; ~~or~~
  - 6- f. When necessary to comply with a government statute or regulation; or



- g. When allowed by written agreement between the governmental entity that controls the roadway and the interested commercial entities. The agreement must indicate which party is responsible for the timely notification of local emergency service providers regarding the crossing that will be blocked and the period of time the crossing will be blocked. Any
2. A person who that violates this section is guilty of an infraction a class B misdemeanor. The provisions of this This section does not apply to cities which have on the date of such obstruction ordinances a city that has an ordinance covering the same subject matter."

Renumber accordingly

Engrossed HB 1372 was placed on the Seventh order of business on the calendar.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 4:30 p.m., Monday, April 14, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

