

**JOURNAL OF THE SENATE**

**Fifty-eighth Legislative Assembly**

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**Bismarck, April 7, 2003**

The Senate convened at 9:00 a.m., with President Dalrymple presiding.

The prayer was offered by Father Marvin Klemmer, Church of the Ascension, Bismarck.

The roll was called and all members were present except Senators Grindberg and Nelson.

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**HB 1002, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 1146-1148 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Engrossed HB 1002, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1004, as engrossed: SEN. ANDRIST (Appropriations Committee) MOVED** that the amendments on SJ pages 1149-1151 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to create and enact a new section to chapter 23-01 and a new section to chapter 23-09.3 of the North Dakota Century Code, relating to the state department of health combining purchasing with or on behalf of local public health units and to basic care facility license fees; to amend and reenact section 23-16-03 of the North Dakota Century Code, relating to health facilities licensing fees; to provide a continuing appropriation; to provide legislative intent; and to provide for a legislative council study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nelson

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

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**CONSIDERATION OF AMENDMENTS**

**HB 1009, as engrossed: SEN. SCHOBINGER (Appropriations Committee) MOVED** that the amendments on SJ page 1151 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; and to amend and reenact section 4-02.1-05 of the North Dakota Century Code, relating to the compensation of state fair board members

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Engrossed HB 1009, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1421, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 1151-1152 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1421:** A BILL for an Act to create and enact a new section to chapter 54-16 of the North Dakota Century Code, relating to the presentation of emergency request petitions to the emergency commission; to amend and reenact subsection 1 of section 54-16-00.1 and sections 54-16-01, 54-16-03, 54-16-04, 54-16-04.1, 54-16-04.2, 54-16-09, and 54-16-11.1 of the North Dakota Century Code, relating to emergency commission members, procedures employed by the emergency commission, and approvals by the budget section; and to repeal sections 54-16-10 and 54-16-11 of the North Dakota Century Code, relating to departmental emergency funds.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Engrossed HB 1421, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Senate Rule 508 be further amended to read "sixty-fourth" in place of "sixty-first", thereby extending the deadline for reporting House bills and resolutions out of committee. The motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1086, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed HB 1086: Sens. Cook, G. Lee, Christenson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. J. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1123, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1123: Sens. Erbele, Fischer, Fairfield.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1295, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1295: Sens. Flakoll, G. Lee, Taylor.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1461, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1461: Sens. Trenbeath, Dever, Nelson.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 4, 2003, I have signed the following: SB 2326.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 7, 2003: SB 2036, SB 2044, SB 2060, SB 2061, SB 2072, SB 2085, SB 2095, SB 2096, SB 2111, SB 2173, SB 2192, SB 2193, SB 2210, SB 2215, SB 2217, SB 2223, SB 2240, SB 2299, SB 2331, SB 2368, SB 2404.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1002, HB 1004, HB 1009, HB 1421.

**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 1086:** Sens. Cook; G. Lee; Christenson

**HB 1123:** Sens. Erbele; Fischer; Fairfield

**HB 1295:** Sens. Flakoll; G. Lee; Taylor

**HB 1461:** Sens. Trenbeath; Dever; Nelson

**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 1047 and HB 1425. Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1047:** Reps. Ruby; Headland; Delmore

**HB 1425:** Reps. Price; Grande; Niemeier

**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 2150:** Reps. Bernstein; Galvin; Thorpe

**SB 2248:** Reps. Klemin; Sitte; Potter

**SB 2249:** Reps. N. Johnson; Herbel; Niemeier

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4038, SCR 4039.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2019, SB 2025.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019**

Page 1, line 10, replace "15,300,190" with "15,373,582"

Page 1, line 11, replace "9,466,219" with "9,491,219"

Page 1, line 13, replace "3,602,050" with "3,552,050"

Page 1, line 14, replace "6,881,931" with "6,881,415"

Page 1, line 18, replace "1,338,069" with "1,337,553"

Page 1, line 19, replace "800,000" with "400,000"

Page 1, line 20, replace "40,218,403" with "39,865,763"

Page 2, line 9, replace "\$800,000" with "\$400,000"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2019 - Game and Fish Department - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$15,282,264	\$15,300,190	\$73,392	\$15,373,582
Operating expenses	9,416,219	9,466,219	25,000	9,491,219
Capital assets	2,259,944	2,259,944		2,259,944
Grants	3,602,050	3,602,050	(50,000)	3,552,050
Land habitat and deer depredation	6,886,245	6,881,931	(516)	6,881,415
Noxious weed control	300,000	300,000		300,000
Grants, gifts, and donations	150,000	150,000		150,000
Nongame wildlife conservation	120,000	120,000		120,000
Lonetree Reservoir	1,342,951	1,338,069	(516)	1,337,553
Wildlife services	<u>400,000</u>	<u>800,000</u>	<u>(400,000)</u>	<u>400,000</u>
Total all funds	\$39,759,673	\$40,218,403	(\$352,640)	\$39,865,763
Less estimated income	<u>39,759,673</u>	<u>40,218,403</u>	<u>(352,640)</u>	<u>39,865,763</u>
General fund	\$0	\$0	\$0	\$0
FTE	139.00	141.00	1.00	142.00

**Dept. 720 - Game and Fish Department - Detail of House Changes**

	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	DECREASES THE WILDLIFE SERVICES LINE <sup>2</sup>	REDUCES GRANTS LINE FOR BOARD OF ANIMAL HEALTH <sup>3</sup>	ADDS FUNDING AND 1 NEW FTE GAME WARDEN POSITION <sup>4</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$13,313)			\$86,705	\$73,392
Operating expenses				25,000	25,000
Capital assets					
Grants			(\$50,000)		(50,000)
Land habitat and deer depredation	(516)				(516)
Noxious weed control					
Grants, gifts, and donations					
Nongame wildlife conservation					
Lonetree Reservoir	(516)				(516)
Wildlife services		<u>(\$400,000)</u>			<u>(400,000)</u>
Total all funds	(\$14,345)	(\$400,000)	(\$50,000)	\$111,705	(\$352,640)
Less estimated income	<u>(14,345)</u>	<u>(400,000)</u>	<u>(50,000)</u>	<u>111,705</u>	<u>(352,640)</u>
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	1.00	1.00

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

<sup>2</sup> This amendment removes the \$400,000 increase that was added by the Senate to the wildlife services line, which is provided to the Agriculture Commissioner to pay for services provided by the United States Department of Agriculture Wildlife Services Agency to alleviate wildlife depredation and damage in North Dakota.

<sup>3</sup> This amendment reduces the grants line by \$50,000 to reflect the reduction of game and fish funds given to the Board of Animal Health from \$150,000 to \$100,000 for assistance with contagious and infectious diseases of nontraditional wildlife.

<sup>4</sup> This amendment authorizes the addition of one new FTE game warden position for the licensing and regulating of guides and outfitters.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2025**

Page 1, line 5, replace "any moneys in the health care trust fund" with "special funds"

Page 1, line 10, replace "16,300,000" with "15,450,000"

Page 1, line 11, after "Total" insert "special funds", remove "from the health care trust fund", and replace "16,300,000" with "15,450,000"

Page 1, after line 11, insert:

**"SECTION 2. SPECIAL FUNDS - HEALTH CARE TRUST FUND - PERMANENT OIL TAX TRUST FUND.** The total special funds appropriation line item in section 1 of this Act includes \$7,506,238 from the health care trust fund and \$7,943,762 from the permanent oil tax trust fund."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Dept. 325 - Department of Human Services - House Action**

This amendment reduces the Department of Human Services deficiency appropriation by \$850,000 due to the nursing facility portion of the deficiency appropriation of \$850,000 from the health care trust fund appropriated in House Bill No. 1200.

The amendment also changes the funding source of \$7,943,762 of the \$15,450,000 deficiency appropriation from the health care trust fund to the permanent oil tax trust fund.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2083.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2083**

In lieu of the amendments adopted by the House as printed on page 989 of the House Journal, Engrossed Senate Bill No. 2083 is amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 50-06.2 of the North Dakota Century Code, relating to disqualifying transfers for determining eligibility for service payments for elderly and disabled;"

Page 1, line 2, after "disabled" insert "; and to provide statements of legislative intent"

Page 2, line 24, remove the overstrike over "~~fifty~~", remove "twenty", and replace "all other" with "liquid" and after the period insert:

**"SECTION 2.** A new section to chapter 50-06.2 of the North Dakota Century Code is created and enacted as follows:

Disqualifying transfers. An individual is not eligible to receive benefits under this chapter if, at any time before or after making application, the individual or the individual's spouse has made any assignment or transfer of any asset for the purpose of making that individual eligible for the benefits. Assignment or transfer includes any action or failure to act that effects a transfer, renunciation, or disclaimer of any asset or interest in an asset that the individual might otherwise assert or have asserted, or which serves to reduce the amount that an individual might otherwise claim from a decedent's estate, a trust or similar device, or another individual obligated by law to furnish support.

**SECTION 3. LEGISLATIVE INTENT - SERVICE PAYMENTS FOR ELDERLY AND DISABLED - SLIDING FEE SCALE - INCOME NOT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS.**

It is the intent of the fifty-eight legislative assembly that the department of human services reduce the income limit levels used for determining copayments for recipients of services under the service payments for elderly and disabled program as of April 1, 2003, by one hundred dollars for each monthly income level for recipients with liquid assets not exceeding twenty-five thousand dollars and that the department disregard a portion of income relating to verified prescription drug costs of the recipient for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 4. LEGISLATIVE INTENT - SERVICE PAYMENTS FOR ELDERLY AND DISABLED SLIDING FEE SCALE - INCOME EXCEEDING TWENTY-FIVE**

**THOUSAND DOLLARS.** It is the intent of the fifty-eighth legislative assembly that the department of human services reduce the income limit levels used for determining copayments for recipients of services under the service payments for elderly and disabled program as of April 1, 2003, by two hundred fifty dollars for each monthly income level for recipients with liquid assets exceeding twenty-five thousand dollars but which do not exceed fifty thousand dollars and that the department disregard a portion of income relating to verified prescription drug costs of the recipient for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 5. LEGISLATIVE INTENT - SERVICE PAYMENTS FOR ELDERLY AND DISABLED - INCOME AND ASSET VERIFICATION.** It is the intent of the fifty-eighth legislative assembly that the department of human services verify all income of recipients of services under the service payments for elderly and disabled program by reviewing and maintaining information contained on federal tax forms or similar documents and that the department of human services gather information on the value of income-producing and other assets, excluding an applicant's primary home, furnishings, and personal items, for the biennium beginning July 1, 2003, and ending June 30, 2005."

Renumber accordingly

**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 1103.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2032, SB 2118, SB 2242, SB 2245, SB 2246, SB 2251, SB 2254, SB 2262, SB 2275, SB 2296, SB 2297, SB 2322.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator and former Secretary of the Senate Bill Parker.

**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. Taylor replace Sen. Christenson on the Conference Committee on HB 1086, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. Christenson replace Sen. Taylor on the Conference Committee on HB 1295, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1047, HB 1179, and HB 1264 be placed at the top of the Twelfth order, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRENBEATH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1047, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1047: Sens. Trenbeath, Espegard, Taylor.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. MUTCH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1179, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1179: Sens. Klein, Espegard, Every.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. MUTCH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1264, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1264: Sens. Klein, Mutch, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2337 as printed on SJ page 1044, which motion prevailed on a voice vote.

Engrossed SB 2337, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2337:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to an additional sales tax on lodging for promotion of the Lewis and Clark bicentennial celebration; to provide an appropriation; 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, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Every; Fairfield; Freborg; Heitkamp; Krauter; Krebsbach; Lee, J.; Lindaas; Mathern; Nething; Nichols; Polovitz; Robinson; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

**NAYS:** Bercier; Christenson; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Holmberg; Kilzer; Klein; Kringstad; Lee, G.; Lyson; Mutch; O'Connell; Schobinger; Stenehjem; Traynor; Trenbeath

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Reengrossed SB 2337 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2394 as printed on SJ pages 1008-1009, which motion prevailed on a voice vote.

Engrossed SB 2394, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2394:** A BILL for an Act to create and enact chapter 16.1-02 and two new sections to chapter 16.1-05 of the North Dakota Century Code, relating to providing a central voter file, verifying voter eligibility, and creating precinct maps and precinct locators; to amend and reenact sections 16.1-01-04, 16.1-05-06, and 54-09-08 of the North Dakota Century Code, relating to qualifications of voters, challenging voters, and fees received by the secretary of state; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Fairfield; Mathern; O'Connell

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Reengrossed SB 2394 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRENBEATH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2407 as printed on SJ pages 850-851, which motion prevailed on a voice vote.

Engrossed SB 2407, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2407:** A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations on vehicles.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Reengrossed SB 2407 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2409 and SB 2045, which are on the Twelfth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to SB 2410 as printed on SJ page 1066, which motion prevailed on a voice vote.

SB 2410, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2410:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to First Nations Day.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Engrossed SB 2410 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to SB 2415 as printed on SJ page 833, which motion prevailed on a voice vote.

SB 2415, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2415:** A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Brown; Christenson; Cook; Espegard; Every; Flakoll; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Nething; Polovitz; Seymour; Stenehjem; Syverson; Tallackson; Taylor

**NAYS:** Andrist; Bowman; Christmann; Dever; Erbele; Fairfield; Fischer; Freborg; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Mutch; Nichols; O'Connell; Robinson; Schobinger; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Engrossed SB 2415 lost.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2041 as printed on SJ pages 955-956, which motion prevailed on a voice vote.

Reengrossed SB 2041, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2041:** A BILL for an Act to provide for a criminal justice information sharing board; and to amend and reenact sections 12-60-16.2 and 12-60-16.9 of the North Dakota Century Code, relating to the collection of criminal information and fees for criminal history record checks.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Reengrossed SB 2041 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2261 as printed on SJ page 1045, which motion prevailed on a voice vote.

Engrossed SB 2261, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2261:** A BILL for an Act to create and enact a new subsection to section 6-09.4-07, a new section to chapter 15-10, a new subsection to section 40-05-01, a new section to chapter 40-34, a new section to chapter 54-01, a new section to chapter 54-17, three new subsections to section 57-02-08, a new subsection to section 61-24.5-09, and a new subsection to section 61-35-12 of the North Dakota Century Code, relating to long-term leases and leaseback transactions; to amend and reenact sections 40-11-04, 40-33-01, 40-33-02, 40-33-03, 40-33-04, and 40-34-02 of the North Dakota Century Code, relating to long-term leases and leaseback transactions; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Brown; Christenson; Christmann; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nething; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bowman; Cook; Dever; Mathern; Nichols

**ABSENT AND NOT VOTING:** Grindberg; Nelson

Reengrossed SB 2261 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to SCR 4001 as printed on SJ page 1009, which motion prevailed on a voice vote.

SCR 4001, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4001:** A concurrent resolution directing the Legislative Council to study the delivery of services and the cost versus benefit of those service provided by the eight human service centers, consider the possibility of combining service centers and the administrative costs of the centers related to the programs and clients served, and study third-party reimbursement and competition with private providers.

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

Engrossed SCR 4001 was declared adopted, and the title was agreed to on a voice vote.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to SCR 4010 as printed on SJ page 982, which motion prevailed on a voice vote.

SCR 4010, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4010:** A concurrent resolution urging Congress to adequately fund and the Secretary of Agriculture to expeditiously implement and expand whole-farm cost of production insurance that is based on a producer's actual production cost history.

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

Engrossed SCR 4010 was declared adopted, and the title was agreed to on a voice vote.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FISCHER MOVED** that the Senate do concur in the House amendments to SCR 4022 as printed on SJ page 982, which motion prevailed on a voice vote.

SCR 4022, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4022:** A concurrent resolution directing the Legislative Council to study proposed legislation permitting the Game and Fish Department to coordinate with game and fish programs conducted by the tribal governments of the federally recognized Indian tribes in North Dakota.

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

Engrossed SCR 4022 was declared adopted, and the title was agreed to on a voice vote.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to SCR 4029 as printed on SJ page 1009, which motion prevailed on a voice vote.

SCR 4029, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4029:** A concurrent resolution directing the Legislative Council to study issues relating to the Indian population of the state, including sovereignty, educational opportunities, cultural understanding, population dispersement, unemployment, health concerns, suicide rates, living conditions, and impact on the caseloads of the Department of Human Services and the Department of Corrections and Rehabilitation.

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

Engrossed SCR 4029 was declared adopted, and the title was agreed to on a voice vote.

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**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 7, 2003, I have signed the following: SB 2147.

**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 2099, SB 2222, SB 2253, SB 2259, SB 2302, SB 2319, SB 2320, SB 2323, SB 2330, SB 2339, SB 2340, SB 2346, SB 2348, SB 2350, SB 2360, SB 2385, SB 2405, SB 2420.

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

**MR. SPEAKER:** The President has signed: HB 1058, HB 1138, HB 1204, HB 1207, HB 1221, HB 1231, HB 1256, HB 1275, HB 1278, HB 1320, HB 1321, HB 1351, HB 1388, HB 1394, HB 1415, HB 1416, HB 1426.

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

**MR. SPEAKER:** The President has appointed Sen. Christenson to replace Sen. Taylor on the Conference Committee on HB 1295.

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

**MR. SPEAKER:** The President has appointed Sen. Taylor to replace Sen. Christenson on the Conference Committee on HB 1086.

**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 1047:** Sens. Trenbeath; Espegard; Taylor

**HB 1179:** Sens. Klein; Espegard; Every

**HB 1264:** Sens. Klein; Mutch; Heitkamp

**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 2041, SB 2394, SB 2407, SB 2410, SCR 4001, SCR 4010, SCR 4022, and SCR 4029.

**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 2261.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4040.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2194, SB 2232.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2194**

In lieu of the amendments adopted by the House as printed on page 923 of the House Journal, Reengrossed Senate Bill No. 2194 is amended as follows:

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

Page 1, line 9, remove "a minimum of forty hours per month"

Page 1, line 12, replace "fifty" with "twenty-five"

Page 1, line 15, replace "Provide for an asset limit of three thousand dollars with" with "Disregard up to" and remove "asset limit of"

Page 1, line 16, remove "if the additional asset limit is"

Page 1, line 17, replace "the program" with "medical assistance and retained as an approved plan to achieve self-support"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 3

Page 2, line 4, remove "and asset criteria;"

Page 2, line 5, replace "7." with "5."

Page 2, line 7, replace "40" with "42"

Page 2, after line 10, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2005, and after that date is ineffective."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2232**

Page 1, line 17, after the period insert "The industrial commission may issue subordinate or residual bonds in a total principal amount not to exceed twenty-three million dollars plus costs of issuance and any reasonably required reserve whenever the industrial commission determines that it is appropriate or expedient to do so and the bonds may contain such terms and provisions as the commission may determine."

Renumber accordingly

**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 1018 and HB 1020 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1018:** Reps. Wald; Rennerfeldt; Aarsvold

**HB 1020:** Reps. Monson; Rennerfeldt; Gulleason

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Hunskor to replace Rep. S. Kelsh on the Conference Committee on HB 1340.

**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 2033:** Reps. Grande; Devlin; Williams

**SB 2065:** Reps. R. Kelsch; Haas; Mueller

**SB 2403:** Reps. Kasper; Tieman; Amerman

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Tuesday, April 8, 2003, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1001, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "5,496,604" with "5,482,878"

Page 1, line 13, replace "2,965,199" with "2,922,920"

Page 1, line 16, replace "8,635,327" with "8,579,322"

Page 1, line 19, replace "4,919,435" with "4,766,029"

Page 1, line 20, replace "2,224,973" with "2,192,856"

Page 1, line 22, replace "7,171,408" with "6,985,885"

Page 1, line 23, replace "15,806,735" with "15,565,207"

Renumber accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1001 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Legislative Assembly				
Total all funds	\$8,635,327	\$8,635,327	(\$56,005)	\$8,579,322
Less estimated income				
General fund	\$8,635,327	\$8,635,327	(\$56,005)	\$8,579,322
Legislative Council				
Total all funds	\$7,066,926	\$7,171,408	(\$185,523)	\$6,985,885
Less estimated income				
General fund	\$7,066,926	\$7,171,408	(\$185,523)	\$6,985,885
Bill Total				
Total all funds	\$15,702,253	\$15,806,735	(\$241,528)	\$15,565,207
Less estimated income				
General fund	\$15,702,253	\$15,806,735	(\$241,528)	\$15,565,207

#### House Bill No. 1001 - Legislative Assembly - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,496,604	\$5,496,604	(\$13,726)	\$5,482,878
Operating expenses	2,965,199	2,965,199	(42,279)	2,922,920
Capital assets	6,000	6,000		6,000
National Conference of State Legislatures	167,524	167,524		167,524
Total all funds	\$8,635,327	\$8,635,327	(\$56,005)	\$8,579,322
Less estimated income				
General fund	\$8,635,327	\$8,635,327	(\$56,005)	\$8,579,322
FTE	0.00	0.00	0.00	0.00

#### Dept. 150 - Legislative Assembly - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>2</sup>	ADDS FUNDING FOR EQUIPMENT <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$13,726)			(\$13,726)
Operating expenses		(\$72,279)	\$30,000	(42,279)
Capital assets				
National Conference of State Legislatures				
Total all funds	(\$13,726)	(\$72,279)	\$30,000	(\$56,005)
Less estimated income				
General fund	(\$13,726)	(\$72,279)	\$30,000	(\$56,005)
FTE	0.00	0.00	0.00	0.00

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

<sup>2</sup> This amendment reduces funding for information technology by \$72,279 from the general fund, which represents a reduction in information technology funding of approximately 4 percent.

<sup>3</sup> This amendment adds funding for replacing tables and chairs for the Brynhild Haugland Room and for replacing guest chairs for the chambers and Great Hall.

#### House Bill No. 1001 - Legislative Council - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
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Salaries and wages	\$4,814,953	\$4,919,435	(\$153,406)	\$4,766,029
Operating expenses	2,224,973	2,224,973	(32,117)	2,192,856
Capital assets	27,000	27,000		27,000
Total all funds	\$7,066,926	\$7,171,408	(\$185,523)	\$6,985,885
Less estimated income				
General fund	\$7,066,926	\$7,171,408	(\$185,523)	\$6,985,885
FTE	33.00	33.00	0.00	33.00

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

	REMOVES EQUITY ADJUSTMENT FUNDING <sup>1</sup>	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>2</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$150,000)	(\$3,406)		(\$153,406)
Operating expenses			(\$32,117)	(32,117)
Capital assets				
Total all funds	(\$150,000)	(\$3,406)	(\$32,117)	(\$185,523)
Less estimated income				
General fund	(\$150,000)	(\$3,406)	(\$32,117)	(\$185,523)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment removes funding added by the House for salary equity adjustments.

<sup>2</sup> Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.

<sup>3</sup> This amendment reduces funding for information technology by \$32,117 from the general fund, which represents a reduction in information technology funding of approximately 4 percent.

#### REPORT OF STANDING COMMITTEE

**HB 1007, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "and to provide reports to" with "to provide an exception to the skilled nursing care bed capacity moratorium; to allow line item transfers; to provide an exception to nursing home rate class limits; to provide emergency rulemaking authority; to provide legislative intent; and to declare an emergency."

Page 1, remove line 4

Page 1, line 14, replace "7,304,763" with "7,405,607"

Page 1, line 15, replace "2,525,427" with "2,631,018"

Page 1, line 17, replace "10,159,944" with "10,366,379"

Page 1, line 18, replace "7,497,035" with "7,070,255"

Page 1, line 19, replace "2,662,909" with "3,296,124"

Page 1, line 22, replace "525,393" with "524,389"

Page 1, line 23, replace "43,597" with "43,494"

Page 1, line 24, replace "481,796" with "480,895"

Page 2, line 1, replace "S.B." with "section 1 of H.B." and replace "3,144,705" with "3,777,019"

Page 2, line 2, replace "S.B." with "section 1 of H.B." and replace "7,540,632" with "7,113,749"

Page 2, line 3, replace "S.B." with "section 1 of H.B." and replace "10,685,337" with "10,890,768"

Page 2, replace lines 15 through 19 with:

**"SECTION 4. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS.** It is the intent of the fifty-eighth legislative assembly that the governing board of the veterans' home is authorized to adjust full-time employee equivalent

positions as needed, subject to the availability of funds, for the veterans' home. The governing board shall report any adjustments to the office of management and budget prior to the submission of the 2005-07 biennial budget request.

**SECTION 5. 2001-03 LINE ITEM TRANSFERS - AUTHORIZATION.**

Notwithstanding section 54-16-04, the veterans' home is authorized to transfer appropriation authority between line items for the 2001-03 biennium to implement changes in technology and telecommunications, with the approval of the office of management and budget. Any line item transfers shall be reported to the budget section.

**SECTION 6. ADDITIONAL SKILLED NURSING CARE BED CAPACITY - AUTHORIZATION - EXCEPTION.**

Notwithstanding section 23-16-01.1, relating to the moratorium on expansion of skilled nursing care beds, the veterans' home may increase the nursing home skilled bed capacity by up to eighteen additional beds to be converted from existing basic care bed capacity.

**SECTION 7. NURSING HOME RATE CLASS LIMITS - EXCEPTION.**

Notwithstanding section 50-24.4-04, relating to the payment rates paid to any nursing home receiving medical assistance payments, the department of human services, subject to the recommendation of the governing board of the veterans' home, may establish a separate payment rate class for the veterans' home for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 8. DEPARTMENT OF HUMAN SERVICES - EMERGENCY RULEMAKING AUTHORITY.**

Notwithstanding section 28-32-03, the department of human services may adopt interim rules to implement section 7 of this Act for the biennium beginning July 1, 2003, and ending June 30, 2005. The department of human services shall take appropriate measures to make the interim final rules known to every person who may be affected by them. The interim final rules are ineffective one hundred eighty days after the declared effective date of the rules unless first adopted as final rules.

**SECTION 9. APPROPRIATION.**

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$215,438, or so much of the sum as may be necessary, and \$456,965 of federal funds to the department of human services for the purpose of medicaid reimbursement to the veterans' home relating to the change of nursing home class, for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 10. APPROPRIATION.**

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,583, or so much of the sum as may be necessary, and \$319,402 of the federal funds to the department of human services for the purpose of medicaid reimbursement to the veterans' home relating to the addition of nursing home beds, for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 11. APPROPRIATION.**

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$385,373, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing grants to private pay veterans' with long-term health care needs residing at the veterans' home, for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 12. EMERGENCY.**

Sections 4, 5, and 6 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1007 - Summary of Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Office of Management and Budget				
Total all funds	\$0	\$0	\$385,373	\$385,373
Less estimated income				
General fund	\$0	\$0	\$385,373	\$385,373

Veterans' Home

Total all funds	\$10,643,938	\$10,159,944	\$206,435	\$10,366,379
Less estimated income	<u>7,318,664</u>	<u>7,497,035</u>	<u>(426,780)</u>	<u>7,070,255</u>
General fund	\$3,325,274	\$2,662,909	\$633,215	\$3,296,124
Department of Veterans' Affairs				
Total all funds	\$529,898	\$525,393	(\$1,004)	\$524,389
Less estimated income	<u>43,935</u>	<u>43,597</u>	<u>(103)</u>	<u>43,494</u>
General fund	\$485,963	\$481,796	(\$901)	\$480,895
Department of Human Services - Program and policy				
Total all funds	\$0	\$0	\$1,142,388	\$1,142,388
Less estimated income			<u>776,367</u>	<u>776,367</u>
General fund	\$0	\$0	\$366,021	\$366,021
Bill Total				
Total all funds	\$11,173,836	\$10,685,337	\$1,733,192	\$12,418,529
Less estimated income	<u>7,362,599</u>	<u>7,540,632</u>	<u>349,484</u>	<u>7,890,116</u>
General fund	\$3,811,237	\$3,144,705	\$1,383,708	\$4,528,413

**House Bill No. 1007 - Office of Management and Budget - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Grants			<u>\$385,373</u>	<u>\$385,373</u>
Total all funds	\$0	\$0	\$385,373	\$385,373
Less estimated income				
General fund	\$0	\$0	\$385,373	\$385,373
FTE	0.00	0.00	0.00	0.00

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

	PROVIDES FUNDING FOR GRANTS TO PRIVATE PAY VETERANS 1	TOTAL SENATE CHANGES
Grants	<u>\$385,373</u>	<u>\$385,373</u>
Total all funds	\$385,373	\$385,373
Less estimated income		
General fund	\$385,373	\$385,373
FTE	0.00	0.00

<sup>1</sup> Provides funding to the Office of Management and Budget for grants to private pay veterans with long-term health care needs residing at the Veteran's Home.

**House Bill No. 1007 - Veterans' Home - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$7,678,757	\$7,304,763	\$100,844	\$7,405,607
Operating expenses	2,635,427	2,525,427	105,591	2,631,018
Capital assets	<u>329,754</u>	<u>329,754</u>		<u>329,754</u>
Total all funds	\$10,643,938	\$10,159,944	\$206,435	\$10,366,379
Less estimated income	<u>7,318,664</u>	<u>7,497,035</u>	<u>(426,780)</u>	<u>7,070,255</u>
General fund	\$3,325,274	\$2,662,909	\$633,215	\$3,296,124
FTE	88.01	87.41	1.60	89.01

**Dept. 313 - Veterans' Home - Detail of Senate Changes**

	ADDS FUNDING FOR SALARIES AND FTE's 1	INCREASES FUNDING FOR OPERATING COSTS 2	CHANGES FUNDING SOURCE 3	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 4	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 5	TOTAL SENATE CHANGES
Salaries and wages	\$111,474			(\$10,630)		\$100,844
Operating expenses		\$105,795			(\$204)	105,591
Capital assets						
Total all funds	\$111,474	\$105,795	\$0	(\$10,630)	(\$204)	\$206,435
Less estimated income			<u>(424,200)</u>	<u>(2,580)</u>		<u>(426,780)</u>
General fund	\$111,474	\$105,795	\$424,200	(\$8,050)	(\$204)	\$633,215
FTE	1.60	0.00	0.00	0.00	0.00	1.60

<sup>1</sup> Increases the salaries and wages line item and provides for an accounting manager position and restores a .6 FTE nursing position.

- <sup>2</sup> Restores \$105,795 of the reduction made in the House for operating expenses.
- <sup>3</sup> Restores \$424,200 of the general fund reduction made by the House and reduces other funds by the same amount. This adjustment is based on a schedule from the Office of Management of Budget, projecting the funding needed for operations of the Veterans' Home during the 2003-05 biennium.
- <sup>4</sup> Reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.
- <sup>5</sup> This amendment reduces funding for information technology by \$204 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

The Senate added intent language that the governing board of the Administrative Committee on Veterans' Affairs may adjust FTE positions, subject to the availability of funds, at the Veterans' Home.

The Senate provided for line item transfer authority during the 2001-03 biennium within existing appropriation authority for implementing technology and telecommunications changes.

The Senate provided the Veterans' Home an exemption from the moratorium on expansion of skilled nursing care bed capacity for the conversion of up to 18 basic care beds to skilled care beds and provides an appropriation to the Department of Human Services for additional related medicaid reimbursement costs to the Veterans' Home.

The Senate removed the requirement for periodic reports to the Budget Section on the status of the Administrative Committee on Veterans' Affairs progress in developing and implementing a strategic plan for the Veterans' Home.

The Senate provides an appropriation to the Department of Human Services to provide a separate payment rate class for the Veterans' Home and provides an appropriation to the Department of Human Services for the Medicaid reimbursement costs.

The Senate provides an appropriation to the Office of Management and Budget for grants to private pay veterans with long-term health care needs residing at the Veterans' Home. This amount is based on the current 5,666 private pay bed days per year at the Veterans' Home and additional per resident fees of \$31.19 because of the rate class change.

#### House Bill No. 1007 - Department of Veterans' Affairs - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Veterans' Affairs Administration	<u>\$529,989</u>	<u>\$525,393</u>	<u>(\$1,004)</u>	<u>\$524,389</u>
Total all funds	\$529,898	\$525,393	(\$1,004)	\$524,389
Less estimated income	<u>43,935</u>	<u>43,597</u>	<u>(103)</u>	<u>43,494</u>
General fund	\$485,963	\$481,796	(\$901)	\$480,895
FTE	5.00	5.00	0.00	5.00

#### Dept. 321 - Department of Veterans' Affairs - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>2</sup>	TOTAL SENATE CHANGES
Veterans' Affairs Administration	<u>(\$619)</u>	<u>(\$385)</u>	<u>(\$1,004)</u>
Total all funds	(\$619)	(\$385)	(\$1,004)
Less estimated income	<u>(103)</u>		<u>(103)</u>
General fund	(\$516)	(\$385)	(\$901)
FTE	0.00	0.00	0.00

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

<sup>2</sup> This amendment reduces funding for information technology by \$385 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

#### House Bill No. 1007 - Department of Human Services - Program and Policy - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Grants - Medical assistance			<u>\$1,142,388</u>	<u>\$1,142,388</u>
Total all funds	\$0	\$0	\$1,142,388	\$1,142,388

Less estimated income			<u>776,367</u>	<u>776,367</u>
General fund	\$0	\$0	\$366,021	\$366,021
FTE	0.00	0.00	0.00	0.00

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

	PROVIDES FUNDING FOR MEDICAID REIMBURSEMENT <sup>1</sup>	TOTAL SENATE CHANGES
Grants - Medical assistance	<u>\$1,142,388</u>	<u>\$1,142,388</u>
Total all funds	\$1,142,388	\$1,142,388
Less estimated income	<u>776,367</u>	<u>776,367</u>
General fund	\$366,021	\$366,021
FTE	0.00	0.00

<sup>1</sup> This amendment provides an appropriation to the Department of Human Services relating to Medicaid reimbursement to the Veterans' Home as follows:

Nursing home rate class change

General fund	\$215,438
Federal funds	<u>456,965</u>
Total	\$672,403

Addition of nursing home beds

General fund	\$150,583
Federal funds	<u>319,402</u>
Total	\$469,985

**REPORT OF STANDING COMMITTEE**

**HB 1013, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1013 was placed on the Sixth order on the calendar.**

Page 1, line 4, replace "section" with "subsection 3 of section 47-30.1-12, sections" and after "47-30.1-18" insert "and 47-30.1-19.1, subsection 7 of section 47-30.1-20, section 47-30.1-21.1, subsection 1 of section 47-30.1-22, and sections 47-30.1-24 and 47-30.1-35"

Page 1, line 5, replace "notice of abandoned property" with "the enforcement of the Uniform Unclaimed Property Act"

Page 1, line 13, replace "1,878,020" with "1,876,162"

Page 1, line 14, replace "812,572" with "722,572"

Page 1, line 17, replace "100,000" with "50,000"

Page 1, line 18, replace "7,715,692" with "7,573,834"

Page 2, line 28, remove "approval and"

Page 3, replace lines 2 and 3 with:

**"SECTION 7. AMENDMENT.** Subsection 3 of section 47-30.1-12 of the North Dakota Century Code is amended and reenacted as follows:

- For the purpose of this section, a person who holds property as an agent for a business association holds the property in a fiduciary capacity for that business association alone, unless the agreement between the ~~person~~ agent and the business association provides otherwise."

Page 3, line 7, overstrike "a notice" and insert immediately thereafter "two notices"

Page 3, line 8, overstrike "at least"

Page 3, line 9, overstrike "once a week for two consecutive weeks"

Page 3, remove lines 24 and 25

Page 4, after line 4, insert:

**"SECTION 9. AMENDMENT.** Section 47-30.1-19.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-19.1. Abandoned property ~~lists~~ list - Preparation - Contents - Confidentiality** ~~Exempt from open records law.~~ Exempt from open records law. The administrator shall ~~annually prepare two lists~~ annually prepare a list with information about property paid or delivered to the administrator under section 47-30.1-17.

1. ~~One~~ The list must refer to all securities and unclaimed funds ~~of~~ valued at fifty dollars or more in the administrator's custody and must contain the ~~name and last known address of each person appearing from the holders' report to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary from the report of an insurance company.~~
2. ~~The second list must refer to property that has been in the administrator's custody for more than twenty four months and must contain the following information:~~
  - a. ~~The name and last known address of each person appearing from the holders' report to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary from the report of an insurance company.~~
  - b. ~~The amount paid or delivered to the administrator.~~
  - c. ~~The name of the person who paid or delivered the property to the administrator.~~
  - d. A general description of the property.
  - e. The date on which the administrator received the property.
  - f. ~~Other information the administrator deems appropriate for inclusion in the list.~~
3. ~~The lists described in this section must be updated annually.~~
4. 2. ~~The lists~~ list described in this section must be available for public inspection at all reasonable business hours and copies of each list must be available to the public for a fee to be set by the administrator.
5. 3. ~~Reports filed with the administrator under section 47-30.1-17 are not public records and are not open to public inspection until twenty four months after the date payment or delivery is made an exempt record as defined in section 44-04-17.1. With the exception of items to be included in the administrator's annual list and publication, all other owner information is exempt from section 44-04-18.~~

**SECTION 10. AMENDMENT.** Subsection 7 of section 47-30.1-20 of the North Dakota Century Code is amended and reenacted as follows:

7. Property removed from a safe deposit box or other safekeeping repository is received by the administrator subject to the holder's right under this subsection to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The administrator shall require the owner to reimburse or pay the holder out of the for any outstanding fees prior to claim approval on safe deposit box contents or sale proceeds remaining after deducting the administrator's selling cost from safe deposit box contents.

**SECTION 11. AMENDMENT.** Section 47-30.1-21.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-21.1. Crediting of dividends or increments on stock to owner's account.** Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other increments realized or accruing on the stock for as long as the stock is held by the administrator, provided the total amount of cash due the owner exceeds five dollars.

**SECTION 12. AMENDMENT.** Subsection 1 of section 47-30.1-22 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in subsection 2, the administrator, ~~within~~ not less than three years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever manner affords in the judgment of the administrator the most favorable market for the property involved. The administrator may decline the highest bid and reoffer the property at a public sale if in the judgment of the administrator the bid is insufficient. If in the judgment of the administrator the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any public sale held under this section must be preceded by a single publication of notice, at least two weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

**SECTION 13. AMENDMENT.** Section 47-30.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-24. Filing of claim with administrator - Exempt from open records law.**

1. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.
2. The administrator shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.
3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator.
4. Documentation and information submitted by a claimant for the purpose of proving ownership of the property is exempt from section 44-04-18.

**SECTION 14. AMENDMENT.** Section 47-30.1-35 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-35. Agreement to locate reported property.**

1. All agreements to pay compensation to recover or assist in the recovery of property reported under section 47-30.1-17, made within twenty-four months after the date payment or delivery is made to the administrator, are unenforceable.
2. An agreement entered ~~into~~ after such twenty-four-month period is enforceable only if the agreement is in writing and the aggregate fee, compensation, or commission charged is not in excess of ten percent of the amount recovered."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1013 - Land Department - Senate Action**

	BUDGET	VERSION	CHANGES	VERSION
Salaries and wages	\$1,898,164	\$1,878,020	(\$1,858)	\$1,876,162
Operating expenses	812,572	812,572	(90,000)	722,572
Capital assets	37,000	37,000		37,000
Grants	4,888,100	4,888,100		4,888,100
Contingencies	<u>100,000</u>	<u>100,000</u>	<u>(50,000)</u>	<u>50,000</u>
Total all funds	\$7,735,836	\$7,715,692	(\$141,858)	\$7,573,834
Less estimated income	<u>7,735,836</u>	<u>7,715,692</u>	<u>(141,858)</u>	<u>7,573,834</u>
General fund	\$0	\$0	\$0	\$0
FTE	17.75	17.75	0.00	17.75

### Dept. 226 - Land Department - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REMOVES FUNDING FOR WEED CONTROL COSTS 2	REDUCES THE CONTINGENCY LINE ITEM 3	TOTAL SENATE CHANGES
Salaries and wages	(\$1,858)			(\$1,858)
Operating expenses		(\$90,000)		(90,000)
Capital assets				
Grants				
Contingencies			<u>(\$50,000)</u>	<u>(50,000)</u>
Total all funds	(\$1,858)	(\$90,000)	(\$50,000)	(\$141,858)
Less estimated income	<u>(1,858)</u>	<u>(90,000)</u>	<u>(50,000)</u>	<u>(141,858)</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

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

<sup>2</sup> This amendment removes \$90,000 from the operating expenses line for weed control costs, since these expenses can be paid under the continuing appropriation authority in House Bill No. 1103.

<sup>3</sup> This amendment reduces funding in the contingency line item by \$50,000, since unknown costs can be paid under the continuing appropriation authority in House Bill No. 1103.

This amendment also removes the requirement of Budget Section approval before a state agency's right to recover property is relinquished; changes the notice and publication of abandoned property lists from a notice to two notices; removes the requirement that the notice must be published at least once a week for two consecutive weeks; removes the requirement that the cost of the abandoned property advertisement may not exceed the cost of the notice; and adds sections from Senate Bill No. 2152 relating to unclaimed property.

### REPORT OF STANDING COMMITTEE

**HB 1017, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1017 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Dakota" insert "; and to provide for a legislative council study"

Page 1, line 5, after "appropriated" insert "out of any moneys in the general fund in the state treasury, not otherwise appropriated, and"

Page 1, line 8, replace "25,031,370" with "34,017,882"

Page 1, line 9, replace "10,718,437" with "14,529,359"

Page 1, line 11, replace "9,999" with "7,617,792"

Page 1, after line 11, insert:  
"Work force 2000

1,500,000"

Page 1, line 12, replace "special funds appropriation" with "all funds" and replace "35,799,490" with "57,704,717"

Page 1, after line 12, insert:  
"Less estimated income  
Total general fund appropriation

56,204,717  
\$1,500,000"

Page 1, after line 15, insert:

**"SECTION 3. WORK FORCE 2000 ALLOCATIONS.** For the year beginning July 1, 2003, a minimum of \$150,000 of the \$1,500,000 provided for work force 2000 is to be available for projects in areas of the state that are not within five miles [8.05 kilometers] of a city with a population of more than eight thousand. Any work force 2000 funds remaining after June 30, 2004, may be used for projects in any area of the state.

**SECTION 4. LEGISLATIVE COUNCIL STUDY - WORKFORCE DEVELOPMENT, WORKFORCE TRAINING, PUBLIC LABOR EXCHANGE, AND UNEMPLOYMENT INSURANCE PROGRAM DELIVERY SYSTEMS.** The legislative council shall consider studying during the 2003-04 interim the impact of pending federal legislation that would significantly change the respective federal-state responsibility and funding for workforce development, workforce training, public labor exchange, and unemployment insurance programs. The study should consider appropriate organizational placement within state government for delivery of workforce development, workforce training, public labor exchange, and unemployment insurance programs, appropriate methods of funding the programs, including replacement of the Federal Unemployment Tax Act funds currently funding the administration of the unemployment insurance and public labor exchange program, and other relevant issues as may be identified. 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:

#### House Bill No. 1017 - Job Service North Dakota - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$34,411,497	\$25,031,370	\$8,986,512	\$34,017,882
Operating expenses	14,529,359	10,718,437	3,810,922	14,529,359
Capital assets	39,684	39,684		39,684
Grants	7,617,792	9,999	7,607,793	7,617,792
Work Force 2000	<u>2,002,861</u>		<u>1,500,000</u>	<u>1,500,000</u>
Total all funds	\$58,601,193	\$35,799,490	\$21,905,227	\$57,704,717
Less estimated income	<u>56,598,332</u>	<u>35,799,490</u>	<u>20,405,227</u>	<u>56,204,717</u>
General fund	\$2,002,861	\$0	\$1,500,000	\$1,500,000
FTE	367.17	363.17	4.00	367.17

#### Dept. 380 - Job Service North Dakota - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	RESTORES FUNDING FOR WORKFORCE DEVELOPMENT PROGRAMS 2	RESTORES FUNDING FOR WORK FORCE 2000 3	TOTAL SENATE CHANGES
Salaries and wages	(\$39,323)	\$9,025,835		\$8,986,512
Operating expenses		3,810,922		3,810,922
Capital assets				
Grants		7,607,793		7,607,793
Work Force 2000			<u>\$1,500,000</u>	<u>1,500,000</u>
Total all funds	(\$39,323)	\$20,444,550	\$1,500,000	\$21,905,227
Less estimated income	<u>(39,323)</u>	<u>20,444,550</u>		<u>20,405,227</u>
General fund	\$0	\$0	\$1,500,000	\$1,500,000
FTE	0.00	0.00	4.00	4.00

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

<sup>2</sup> This amendment restores special funds totaling \$20,444,550 that was transferred by the House from Job Service North Dakota to the Department of Commerce. The funding relates to the senior community service employment program (\$1,070,352), trade adjustment assistance program (\$99,800), Workforce Investment Act (\$12,735,106), the new jobs training program (\$150,000), and the job opportunities and basic skills training program (\$6,389,292).

<sup>3</sup> This amendment restores funding of \$1.5 million from the general fund and four FTE positions relating to the Work Force 2000 program that were transferred by the House to the Department of Commerce.

**REPORT OF STANDING COMMITTEE**

**HB 1387, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1387 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3079: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3079 was placed on the Fourteenth order on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2149, as engrossed:** Your conference committee (Sens. Trenbeath, Espeguard, Taylor and Reps. Weisz, Headland, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 753, adopt amendments as follows, and place SB 2149 on the Seventh order:

That the House recede from its amendments as printed on page 753 of the Senate Journal and pages 820 and 821 of the House Journal and that Engrossed Senate Bill No. 2149 be amended as follows:

Page 4, line 3, overstrike "two" and insert immediately thereafter "three"

Renumber accordingly

Engrossed SB 2149 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2235, as engrossed:** Your conference committee (Sens. Klein, Mutch, Every and Reps. Kasper, M. Klein, Ekstrom) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 906-908 and place SB 2235 on the Seventh order.

Engrossed SB 2235 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2282, as reengrossed:** Your conference committee (Sens. J. Lee, Grindberg, Polovitz and Reps. Warnke, Svedjan, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 957-958, adopt amendments as follows, and place SB 2282 on the Seventh order:

That the House recede from its amendments as printed on pages 957 and 958 of the Senate Journal and pages 1004 and 1005 of the House Journal and that Reengrossed Senate Bill No. 2282 be amended as follows:

Page 1, replace lines 9 through 24 with:

**"15-52-03. Medical center advisory council - Members, terms, meetings.** ~~order to~~

1. To assure the proper coordination and integration of the North Dakota state medical center with all other health and welfare activities of the state, a permanent medical center advisory council is hereby established to advise, consult, and make recommendations to the university administration, and to the several agencies represented on the council concerning the program of the North Dakota state medical center, the adaptation thereof of the medical center to the needs of the state and to the requirements and facilities of the several agencies involved, and the use of the North Dakota state medical center and its facilities by the various institutions and agencies of the state and its political subdivisions.
2. The council ~~shall consist~~ consists of fourteen members: ~~two~~
  - a. Two members of the senate and two members of the house of representatives to be named by the governor; one to be named by and from the membership of selected by the chairman of the legislative council;
  - b. One member selected by each of the following:the
    - (1) The department of human services; the

- (2) ~~The state board of higher education, or such boards or departments as shall succeed them or any of them; the~~
- (3) ~~The state health officer of the state department of health; the~~
- (4) ~~The North Dakota medical association; the~~
- (5) ~~The North Dakota hospital healthcare association; the and~~
- (6) ~~The veterans administration hospital in Fargo; the house of representatives, appointed by the speaker; and the senate, appointed by the president of the senate; with the remaining four members to be~~
- c. ~~One member selected by the dean of the university of North Dakota medical school from each of the four campus areas of the medical school with headquarters in Bismarck, Fargo, Grand Forks, and Minot. One member from each quadrant will be selected by the board to serve a three year term with a two term limit. The initial appointments must be staggered.~~
3. ~~The representatives named by the state agencies and boards above referred to must be selected to serve as members of the medical center advisory council for periods of at least one year, but in no instance may they not serve longer than their term of office on the public agency. The representatives from the North Dakota state medical association and the North Dakota hospital healthcare associations shall serve a term of three years or until their successors are named and qualified. The two members appointed by the governor shall serve for three year terms as representatives of the public at large.~~
4. ~~The council shall name its own chairman and the dean of the university of North Dakota medical school shall serve as executive secretary thereof of the council. The council shall meet not less than twice each year, and, from time to time, on its own motion or upon request of the university administration, to consider plans and programs of action for the North Dakota state medical center and make its recommendations thereon to the several agencies of the state and its political subdivisions involved and to the legislative assembly."~~

Page 2, remove lines 1 through 18

Renumber accordingly

Reengrossed SB 2282 was placed on the Seventh order of business on the calendar.

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

**WILLIAM R. HORTON, Secretary**