

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, February 17, 2003

The House convened at 2:30 p.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Spencer Baker, Church of the Open Door.

The roll was called and all members were present except Representatives Boe, Glassheim, and Ruby.

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 Twenty Ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 537, line 27 replace "Klemin" with "Svedjan"

Page 537, line 28 remove the word "NOT" and replace "failed" with "passed"

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

## SIXTH ORDER OF BUSINESS

**REP. BERG MOVED** that the amendments on the Sixth order of business to HB 1043, HB 1045, HB 1207, HB 1274, HB 1352, HB 1412, HB 1418, HB 1474, HB 1491 and HCR 3047 be adopted, which motion prevailed.

HB 1043, HB 1045, HB 1207, HB 1274, HB 1352, HB 1412, HB 1418, HB 1474, HB 1491 and HCR 3047, as amended, were placed on the Eleventh order of business on the calendar.

## MOTION

**REP. BERG MOVED** that HB 1500 be laid over one legislative day, which motion prevailed.

## MOTION

**REP. BERG MOVED** that HB 1241 be laid over one legislative day, which motion prevailed.

## MOTION

**REP. BERG MOVED** that HB 1086 be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1086 was rereferred.

## MOTION

**REP. BERG MOVED** that HB 1397 be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1397 was rereferred.

## MOTION

**REP. BERG MOVED** that HB 1271 and HB 1435 be returned to the House floor from the **Appropriations Committee**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1155:** A BILL for an Act to provide for a legislative council study of the criteria by which a student's school district of residence is established.

## 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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.;

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; 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:** Boe; Ruby

Engrossed HB 1155 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1234:** A BILL for an Act to amend and reenact sections 28-24-02, 28-24-04, and 32-19-18 of the North Dakota Century Code, relating to redemption.

### 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 87 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1234 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1281:** A BILL for an Act to create and enact section 32-19-06.2 of the North Dakota Century Code, relating to deficiency judgments on agricultural real property.

### 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 45 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; DeKrey; Devlin; Dosch; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Maragos; Martinson; Monson; Nicholas; Norland; Pietsch; Porter; Price; Rennerfeldt; Severson; Skarphol; Svedjan; Tieman; Timm; Uglem; Wald; Weiler; Wieland; Speaker Wentz

**NAYS:** Aarsvold; Amerman; Belter; Boe; Boucher; Clark; Delmore; Delzer; Drovdal; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Headland; Hunskor; Iverson; Kasper; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Kretschmar; Kroeber; Meier; Metcalf; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pollert; Potter; Sandvig; Schmidt; Sitte; Solberg; Thoreson; Thorpe; Warner; Warnke; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1281 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1325:** A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the display of the national motto in schools.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 63 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Grosz; Hanson; Hawken; Headland; Hunsakor; Iverson; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier; Monson; Nelson; Nicholas; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham

**NAYS:** Aarsvold; Amerman; Berg; Boe; Boucher; Delmore; Eckre; Ekstrom; Glassheim; Guleson; Haas; Herbel; Johnson, D.; Kelsch, R.; Kroeber; Maragos; Metcalf; Mueller; Niemeier; Norland; Nottestad; Onstad; Potter; Schmidt; Thorpe; Uglem; Williams; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1325 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1329:** A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to small claims court actions.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 70 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Boehning; Clark; DeKrey; Delmore; Hunsakor; Johnson, N.; Kasper; Keiser; Klein, F.; Klemin; Kroeber; Maragos; Meier; Nelson; Onstad; Porter; Price; Svedjan; Uglem; Wald; Wieland; Williams; Wrangham

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boucher; Brusegaard; Carlisle; Carlson; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Koppelman; Kreidt; Kretschmar; Martinson; Metcalf; Monson; Mueller; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Thoreson; Thorpe; Tieman; Timm; Warner; Warnke; Weiler; Weisz; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1329 lost.

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**MOTION**

**REP. BERG MOVED** that HB 1472 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1472:** A BILL for an Act to create and enact a new section to chapter 27-08.1 of the North Dakota Century Code, relating to appeals from small claims court; and to amend and reenact sections 27-08.1-02, 27-08.1-03, and 27-08.1-04 of the North Dakota Century Code, relating to small claims court procedure.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 92 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Koppelman

**NAYS:** Aarsvold; Amerman; Bellew; 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; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; 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:** Ruby

HB 1472 lost.

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### SECOND READING OF HOUSE BILL

**HB 1361:** A BILL for an Act to amend and reenact section 15.1-31-02 of the North Dakota Century Code, relating to grounds for the denial of open enrollment applications; 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 59 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Dosch; Ekstrom; Froseth; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemin; Kroeber; Martinson; Meier; Metcalf; Mueller; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Wikenheiser; Williams; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Amerman; Bellew; Boe; Delzer; Devlin; Drovdal; Eckre; Froelich; Galvin; Glassheim; Gulleson; Johnson, D.; Kasper; Kempenich; Kerzman; Klein, F.; Koppelman; Kreidt; Kretschmar; Maragos; Monson; Nelson; Niemeier; Sandvig; Schmidt; Severson; Sitte; Solberg; Wald; Weisz; Wieland; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1361 passed, the title was agreed to, but the emergency clause lost.

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### SECOND READING OF HOUSE BILL

**HB 1383:** A BILL for an Act to amend and reenact section 15.1-27-12 of the North Dakota Century Code, relating to per student payments for English language learners.

### 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; 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; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; 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; 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:** Boe; Ruby

Engrossed HB 1383 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1398:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to instruction in abstinence in sex education.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 43 YEAS, 50 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Bernstein; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Dosch; Froelich; Froseth; Galvin; Grande; Grosz; Hunskor; Iverson; Kasper; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kreidt; Kretschmar; Meier; Pietsch; Rennerfeldt; Sandvig; Sitte; Skarphol; Thoreson; Thorpe; Tieman; Timm; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham

**NAYS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Glassheim; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Klemm; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pollert; Porter; Potter; Price; Schmidt; Severson; Solberg; Svedjan; Uglem; Warner; Williams; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1398 lost.

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### SECOND READING OF HOUSE BILL

**HB 1405:** A BILL for an Act to amend and reenact subsection 1 of section 24-02-03.3 of the North Dakota Century Code, relating to vehicles under the control of the central vehicle management system.

### 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; Drovdal; 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.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Ruby; Wrangham

Engrossed HB 1405 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1424:** A BILL for an Act to prohibit human cloning; 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 90 YEAS, 1 NAY, 0 EXCUSED, 3 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; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Winrich

**ABSENT AND NOT VOTING:** Niemeier; Price; Ruby

Engrossed HB 1424 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1425:** A BILL for an Act to amend and reenact subsection 3 of section 25-16-07 of the North Dakota Century Code, relating to confidentiality of treatment or care center records of developmentally disabled persons.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 51 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Bernstein; Boehning; Carlson; Clark; DeKrey; Delzer; Dosch; Froseth; Galvin; Grande; Grosz; Herbel; Hunskor; Iverson; Kasper; Keiser; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Meier; Metcalf; Mueller; Niemeier; Norland; Nottestad; Rennerfeldt; Schmidt; Sitte; Skarphol; Solberg; Thoreson; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wieland; Wikenheiser; Williams; Wrangham; Speaker Wentz

**NAYS:** Amerman; Belter; Boe; Boucher; Brusegaard; Carlisle; Delmore; Devlin; Drovda; Eckre; Ekstrom; Froelich; Glassheim; Guleson; Haas; Hanson; Hawken; Headland; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kroeber; Martinson; Monson; Nelson; Nicholas; Onstad; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Severson; Svedjan; Uglem; Warnke; Weisz; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1425 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1450:** A BILL for an Act to create and enact a new section to chapter 15.1-07 and a new section to chapter 15.1-29 of the North Dakota Century Code, relating to the provision of all grade levels by school districts and the education of students in bordering states.

### 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 46 YEAS, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Dosch; Ekstrom; Grande; Grosz; Haas; Hanson; Hawken; Herbel; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein, M.; Klemin; Kroeber; Maragos; Martinson; Meier; Monson; Nottestad; Pietsch; Porter; Potter; Price; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Wieland; Winrich; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Boe; DeKrey; Delmore; Delzer; Devlin; Drovda; Eckre; Froelich; Froseth; Galvin; Guleson; Headland; Hunskor; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Koppelman; Kreidt; Kretschmar; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pollert; Rennerfeldt; Sandvig; Schmidt;

Severson; Sitte; Skarphol; Solberg; Thorpe; Warner; Weisz; Wikenheiser; Williams; Wrangham

**ABSENT AND NOT VOTING:** Glassheim; Ruby

Engrossed HB 1450 lost.

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### SECOND READING OF HOUSE BILL

**HB 1451:** A BILL for an Act to provide for a state capitol entrance competition.

#### 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 56 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Carlisle; Carlson; Clark; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Froelich; Galvin; Grande; Haas; Hanson; Hawken; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Mueller; Nicholas; Niemeier; Norland; Potter; Rennerfeldt; Sandvig; Sitte; Skarphol; Thoreson; Tieman; Timm; Uglem; Warner; Weiler; Wieland; Wikenheiser; Winrich

**NAYS:** Belter; Boe; Boehning; Boucher; Brusegaard; Delzer; Devlin; Eckre; Froseth; Glassheim; Grosz; Gullerson; Headland; Keiser; Klein, F.; Maragos; Monson; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Schmidt; Severson; Solberg; Svedjan; Thorpe; Wald; Warnke; Weisz; Williams; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Hunskor; Ruby

Engrossed HB 1451 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1494:** A BILL for an Act to provide for a study of road surfacing materials.

#### 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 32 YEAS, 60 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Brusegaard; Delmore; Ekstrom; Glassheim; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kingsbury; Kretschmar; Maragos; Meier; Monson; Nelson; Niemeier; Porter; Price; Sandvig; Sitte; Thorpe; Uglem; Warnke; Wieland; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Bellew; Belter; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Gullerson; Headland; Iverson; Kasper; Keiser; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kroeber; Martinson; Metcalf; Mueller; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Rennerfeldt; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Ruby; Williams

Engrossed HB 1494 lost.

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### SECOND READING OF HOUSE BILL

**HB 1044:** A BILL for an Act to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to the office of administrative hearings and indigent defense contracts; to amend and reenact section 27-20-49 and subsection 1 and 4 of section 29-07-01.1 of the North Dakota Century Code, relating to the provision of indigent defense services; to provide for a report to the legislative council; to provide for transition; to provide a statement of legislative intent; 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 83 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Boehning; Delzer; Eckre; Kerzman; Klein, F.; Norland; Onstad; Solberg; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Ruby

Reengrossed HB 1044 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1179:** A BILL for an Act to amend and reenact section 26.1-02-27 of the North Dakota Century Code, relating to disclosing nonpublic personal information.

**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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; 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; 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:** Boucher; Kempenich; Ruby

Engrossed HB 1179 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1224:** A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to waterfowl resting areas.

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

**YEAS:** Aarsvold; Amerman; Bellew; 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; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; 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; 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:** Ruby

Engrossed HB 1224 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1257:** A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to requests for notice of intention to foreclose.

### 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; 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.; Kempenich; Kerzman; Kingsbury; Klein, F.; 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; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Wrangham

**ABSENT AND NOT VOTING:** Carlson; Ruby

Engrossed HB 1257 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1260:** A BILL for an Act to create and enact chapter 26.1-25.1 of the North Dakota Century Code, relating to use of credit information in personal 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, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Ekstrom; Keiser; Mueller; Thorpe

**ABSENT AND NOT VOTING:** Berg; Ruby

Engrossed HB 1260 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1301:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the sale of bidis or beedies; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulletson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; 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; 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:** Ruby

Engrossed HB 1301 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1324:** A BILL for an Act to create and enact a new section to chapter 32-23 of the North Dakota Century Code, relating to allocation among parties of costs in declaratory judgments with respect to insurance policies.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 86 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Galvin; Kasper; Keiser; Klemin; Monson; Wald; Weiler

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

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1324 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1332:** A BILL for an Act to create and enact five new sections to chapter 51-07 of the North Dakota Century Code, relating to certified aftermarket crash parts; 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 NOT PASS, the roll was called and there were 15 YEAS, 78 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Boe; Brusegaard; Carlson; Ekstrom; Glassheim; Grande; Keiser; Klein, F.; Klein, M.; Klemin; Monson; Nelson; Potter; Skarphol; Tieman

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Carlisle; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grosz; Gulletson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier;

Metcalf; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1332 lost.

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### SECOND READING OF HOUSE BILL

**HB 1340:** A BILL for an Act to provide for the termination of wind energy development leases.

### 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, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Price; Rennerfeldt; 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; Porter

**ABSENT AND NOT VOTING:** Ruby

Engrossed HB 1340 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1354:** A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to the prohibition of retail over-the-counter sale of certain nonprescription drugs; to amend and reenact subsection 5 of section 19-03.1-23 of the North Dakota Century Code, relating to equivalent offenses; 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 28 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boehning; Brusegaard; Carlisle; DeKrey; Delmore; Eckre; Hanson; Herbel; Hunskor; Kelsch, R.; Kingsbury; Klein, M.; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Monson; Mueller; Onstad; Price; Thoreson; Warnke; Weiler; Williams; Speaker Wentz

**NAYS:** Amerman; Bellew; Belter; Bernstein; Boe; Boucher; Carlson; Clark; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hawken; Headland; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, S.; Kempenich; Kerzman; Klein, F.; Koppelman; Kreidt; Meier; Metcalf; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Ruby; Wald

Engrossed HB 1354 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1371:** A BILL for an Act to amend and reenact section 26.1-26.6-08 of the North Dakota Century Code, relating to the maximum commission or fee of a bail bondsman.

**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 75 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bellew; Belter; Carlson; Delzer; Devlin; Froseth; Grande; Grosz; Kasper; Klein, F.; Klein, M.; Kroeber; Rennerfeldt; Severson; Skarphol; Weiler; Wrangham

**ABSENT AND NOT VOTING:** Ruby; Wald

Engrossed HB 1371 passed and the title was agreed to.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1088, HB 1096, HB 1232, HB 1263, HB 1334, HB 1370, HB 1379, HB 1387, HB 1415, HB 1427, HB 1443.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1438.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2345.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2002, SB 2017, SB 2023, SB 2041, SB 2135, SB 2160, SB 2195, SB 2227, SB 2242, SB 2328, SB 2330, SB 2337, SB 2349, SB 2361, SB 2367, SB 2379, SB 2389, SB 2400.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Rep. Price and Sen. J. Lee introduced:

**HCR 3053:** A concurrent resolution directing the Legislative Council to study the emergency powers of the executive branch.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Rep. Price and Sen. J. Lee introduced:

**HCR 3054:** A concurrent resolution directing the Legislative Council to study the state's public health unit infrastructure and the ability of the public health units to respond to public health issues, including disease and other physical health, environmental, and disaster-related issues.

Was read the first time and referred to the **Human Services Committee**.

Reps. Mueller, DeKrey, Gulleon, Herbel, Kreidt and Sen. Urlacher introduced:

**HCR 3055:** A concurrent resolution directing the Legislative Council to study the patterns of migration from rural to urban areas experienced by this state and by other Midwestern states and explore various opportunities for revitalizing and strengthening rural communities, including new initiatives and reforms of existing policies, so that our rural communities can attract and be home to citizens of all ages.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Boucher, Devlin, Svedjan and Sen. Mathern introduced:

**HCR 3056:** A concurrent resolution directing the Legislative Council to study whether this state is experiencing a medical insurance crisis that impacts the availability and affordability

of liability insurance for medical providers and medical facilities, including a study of methods of improving the availability and affordability of liability insurance and the feasibility of allowing medical providers and medical facilities to participate in the North Dakota Insurance Reserve Fund.

Was read the first time and referred to the **Human Services Committee**.

#### FIRST READING OF SENATE BILLS

**SB 2001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to amend and reenact subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to administration of gaming stamps; and to provide for racing commission expenses.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; and to provide for an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2011:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2016:** A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to declare an emergency.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2021:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to park permit fees; to repeal section 55-08-14 of the North Dakota Century Code, relating to capital projects and revenue bonds authorization; and to declare an emergency.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2024:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2031:** A BILL for an Act to amend and reenact section 15.1-21-02 of the North Dakota Century Code, relating to required units for approved high schools.

Was read the first time and referred to the **Education Committee**.

**SB 2033:** A BILL for an Act to create and enact two new subsections to section 54-52-01 and a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by peace officers and correctional officers employed by political subdivisions in the defined benefit retirement plan; and to amend and reenact section 54-52-02.1, subsection 3 of section 54-52-05, and subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to participation by peace officers and correctional officers employed by political subdivisions in the defined benefit retirement plan.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2060:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to an employer-based wellness program; and to amend and reenact subsection 4 of section 54-52.1-01, subsection 3 of section 54-52.1-03, and sections 54-52.1-03.1, 54-52.1-11, and 54-52.3-05 of the North Dakota Century Code, relating to eligibility for and employee payments to the uniform group insurance program and confidentiality of information under the uniform group insurance program.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2085:** A BILL for an Act to create and enact section 50-24.3-03.1 of the North Dakota Century Code, relating to the powers and duties of the department of human services regarding assessment services; to amend and reenact sections 50-24.3-01 and 50-24.3-03 of the North Dakota Century Code, relating to the establishment of targeted case management and assessment services for persons being admitted to a skilled nursing facility or hospital swing-bed facility; to repeal section 50-24.3-02 of the North Dakota Century Code, relating to professional involvement in the assessment process; and to declare an emergency.

Was read the first time and referred to the **Human Services Committee**.

**SB 2095:** A BILL for an Act to create and enact chapter 57-39.4 of the North Dakota Century Code, relating to adoption of the streamlined sales and use tax agreement as adopted by member states of the streamlined sales tax project; to repeal chapter 57-39.4 of the North Dakota Century Code, relating to participation in multistate discussions and entering the streamlined sales and use tax agreement; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

**SB 2096:** A BILL for an Act to create and enact sections 57-39.2-29, 57-39.2-30, 57-39.2-31, and 57-39.2-32, chapters 57-39.5 and 57-39.6, a new subsection to section 57-40.2-01, and a new subsection to section 57-40.2-02.1 of the North Dakota Century Code, relating to changes necessary to conform North Dakota sales and use tax laws to the streamlined sales and use tax agreement; to amend and reenact subsection 2 of section 11-09.1-05, subsection 16 of section 40-05.1-06, sections 57-01-02.1, 57-39.2-01, and 57-39.2-02.1, subsections 7, 10, 11, 26, and 45 of section 57-39.2-04, sections 57-39.2-04.1, 57-39.2-05, and 57-39.2-08.2, subsection 1 of section 57-39.2-14, subsection 4 of section 57-40.2-01, and subsection 14 of section 57-40.2-04 of the North Dakota Century Code, relating to changes necessary to conform North Dakota sales and use tax laws to the streamlined sales and use tax agreement; to repeal sections 57-39.2-03.2 and 57-39.2-08.3 of the North Dakota Century Code, relating to changes necessary to conform North Dakota sales and use tax laws to the streamlined sales and use tax agreement; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

**SB 2125:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 38-08-04.5 and section 38-08-04.9 of the North Dakota Century Code, relating to confiscation by the state of well-site equipment and salable oil; and to provide an appropriation.

Was read the first time and referred to the **Natural Resources Committee**.

**SB 2162:** A BILL for an Act to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to snowmobile registration fees.

Was read the first time and referred to the **Transportation Committee**.

**SB 2194:** A BILL for an Act to provide for the establishment of a medical assistance buy-in program for individuals with disabilities and to provide for personal care services for eligible medical assistance recipients.

Was read the first time and referred to the **Human Services Committee**.

**SB 2224:** A BILL for an Act to amend and reenact sections 26.1-32-01 and 26.1-32-03 of the North Dakota Century Code, relating to liability of the insurer for loss.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2246:** A BILL for an Act to create and enact a new subsection to section 14-09-09.3 and a new section to chapter 50-09 of the North Dakota Century Code, relating to late fees charged to a child support income payer and the withholding, restriction, or suspension of licenses, permits, and registrations for failure to pay child support or comply with a subpoena; and to amend and reenact subsection 3 of section 14-09-08.1, subsection 2 of section 14-09-08.16, subsection 2 of section 14-09-09.3, and subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to notice of child support arrears, duties and responsibilities of a child support income payer, and judgment interest for past-due child support.

Was read the first time and referred to the **Human Services Committee**.

**SB 2255:** A BILL for an Act to create and enact chapter 51-26 of the North Dakota Century Code, relating to telephone solicitations; and to provide a penalty.

Was read the first time and referred to the **Judiciary Committee**.

**SB 2266:** A BILL for an Act to amend and reenact subsection 1 of section 18-05-06 of the North Dakota Century Code, relating to firefighters relief association pensions.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2280:** A BILL for an Act to amend and reenact section 61-16.1-40.1 of the North Dakota Century Code, relating to the assessment for federally constructed flood control projects.

Was read the first time and referred to the **Natural Resources Committee**.

**SB 2288:** A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to requirements for political parties conducting presidential preference caucuses; to amend and reenact sections 16.1-11-15, 16.1-11-30, and 16.1-12-02 and subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to circulating petitions to establish a political party, independent nominations for president of the United States, and rules adopted by the secretary of state for the presidential preference contest; and to repeal sections 16.1-11-02, 16.1-11-02.1, 16.1-11-02.3, 16.1-11-03, and 16.1-11-04 of the North Dakota Century Code, relating to the presidential preference contest.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2308:** A BILL for an Act to amend and reenact subsection 1 of section 39-16.1-09 and subsection 1 of 39-16.1-19 of the North Dakota Century Code, relating to proof of insurance; to provide for application; and to provide an expiration date.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2318:** A BILL for an Act to amend and reenact section 54-02-11 of the North Dakota Century Code, relating to designation of the North Dakota art museum.

Was read the first time and referred to the **Education Committee**.

**SB 2321:** A BILL for an Act to amend and reenact section 53-08-05 of the North Dakota Century Code, relating to the limited liability of the owner of land used for recreational purposes.

Was read the first time and referred to the **Judiciary Committee**.

**SB 2332:** A BILL for an Act to amend and reenact section 15.1-24-05 of the North Dakota Century Code, relating to law enforcement reports to schools of minors' tobacco citations.

Was read the first time and referred to the **Education Committee**.

**SB 2350:** A BILL for an Act to amend and reenact section 57-02-26 of the North Dakota Century Code, relating to assessment of property taxes on certain state property held under a lease; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Finance and Taxation Committee**.

**SB 2372:** A BILL for an Act to amend and reenact subsection 2 of section 15.1-08-06 of the North Dakota Century Code, relating to a cross-reference to a school board nepotism statute; and to repeal section 15.1-09-38 of the North Dakota Century Code, relating to the employment of teachers related to school board members.

Was read the first time and referred to the **Education Committee**.

**SB 2414:** A BILL for an Act to require the superintendent of public instruction to provide information on the No Child Left Behind Act; and to declare an emergency.

Was read the first time and referred to the **Education Committee**.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4008:** A concurrent resolution directing the Legislative Council to study the need for guardianship services, standards and practices for guardians, and funding for programs for individuals with mental illness, vulnerable elderly individuals, and individuals with traumatic brain injuries.

Was read the first time and referred to the **Human Services Committee**.

**SCR 4020:** A concurrent resolution encouraging state agencies to provide college internships. Was read the first time and referred to the **Education Committee**.

**SCR 4023:** A concurrent resolution urging the Congress to enact a Medicare prescription drug benefit.

Was read the first time and referred to the **Human Services Committee**.

**SCR 4026:** A concurrent resolution urging the President and Congress to provide sufficient funding for implementation of the No Child Left Behind Act of 2001.

Was read the first time and referred to the **Education Committee**.

**SCR 4029:** A concurrent resolution directing the Legislative Council to study issues relating to the Indian population of the state, including sovereignty, educational opportunities, 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.

Was read the first time and referred to the **Human Services Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1001: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "4,814,953" with "4,919,435"

Page 1, line 22, replace "7,066,926" with "7,171,408"

Page 1, line 23, replace "15,702,253" with "15,806,735"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1001 - Summary of House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Legislative Assembly			
Total all funds	\$8,635,327	\$0	\$8,635,327
Less estimated income			
General fund	\$8,635,327	\$0	\$8,635,327
Legislative Council			
Total all funds	\$7,066,926	\$104,482	\$7,171,408
Less estimated income			
General fund	\$7,066,926	\$104,482	\$7,171,408
Bill Total			
Total all funds	\$15,702,253	\$104,482	\$15,806,735
Less estimated income			
General fund	\$15,702,253	\$104,482	\$15,806,735

**House Bill No. 1001 - Legislative Council - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,814,953	\$104,482	\$4,919,435
Operating expenses	2,224,973		2,224,973
Capital assets	<u>27,000</u>		<u>27,000</u>
Total all funds	\$7,066,926	\$104,482	\$7,171,408
Less estimated income			
General fund	\$7,066,926	\$104,482	\$7,171,408
FTE	33.00	0.00	33.00



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

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	ADDS FUNDING FOR EQUITY ADJUSTMENTS	TOTAL HOUSE CHANGES
Salaries and wages	(\$45,518)	\$150,000	\$104,482
Operating expenses			
Capital assets			
Total all funds	(\$45,518)	\$150,000	\$104,482
Less estimated income			
General fund	(\$45,518)	\$150,000	\$104,482
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

## REPORT OF STANDING COMMITTEE

**HB 1004: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and" and after "appropriation" insert "; to provide a statement of legislative intent; and to provide for a legislative council study"

Page 1, line 12, replace "30,219,050" with "29,787,430"

Page 1, line 13, replace "25,295,911" with "24,199,459"

Page 1, line 15, replace "36,176,628" with "36,156,628"

Page 1, line 16, replace "7,478,097" with "7,452,097"

Page 1, line 18, replace "118,479,658" with "116,905,586"

Page 1, line 19, replace "104,818,294" with "103,758,195"

Page 1, line 20, replace "13,661,364" with "13,147,391"

Page 1, line 22, replace "\$300,000" with "\$250,000"

Page 2, line 22, replace "\$5,875,000" with "\$5,830,000"

Page 2, after line 24, insert:

**"SECTION 8. ESTIMATED INCOME - HEALTH CARE COOPERATIVE AGREEMENT FUND.** The estimated income line item included in section 1 of this Act includes \$100,000, or so much of the sum as may be necessary, is to be made available to the state department of health from the health care cooperative agreement fund for the purpose of defraying the expenses of the certificate of public advantage program for the biennium beginning July 1, 2003, and ending June 30, 2005."

Page 3, after line 4, insert:

**"SECTION 11. LEGISLATIVE INTENT - EMPLOYEE OUTSOURCING - REPORT TO BUDGET SECTION.** It is the intent of the legislative assembly that the state department of health consider the option of outsourcing employee positions whenever reasonable and report to the budget section during the 2003-04 interim on the status of outsourcing employees.

**SECTION 12. LEGISLATIVE COUNCIL STUDY - NURSING HOME SURVEY PROCESS.** The legislative council shall consider studying, during the 2003-04 interim, the nursing home survey process, including a review of duplicated procedures of the requirements that result in additional administrative costs to nursing homes and the potential for waivers from these procedures. 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. 1004 - State Department of Health - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$30,219,050	(\$431,620)	\$29,787,430
Operating expenses	25,295,911	(1,096,452)	24,199,459
Capital assets	1,629,972		1,629,972
Grants	36,176,628	(20,000)	36,156,628
Tobacco program	7,478,097	(26,000)	7,452,097
WIC food payments	<u>17,680,000</u>		<u>17,680,000</u>
Total all funds	\$118,479,658	(\$1,574,072)	\$116,905,586
Less estimated income	<u>104,818,294</u>	<u>(1,060,099)</u>	<u>103,758,195</u>
General fund	\$13,661,364	(\$513,973)	\$13,147,391
FTE	312.00	(1.00)	311.00

## Dept. 301 - State Department of Health - Detail of House Changes

	REMOVES FUNDING AND ONE FTE FOR HEALTHY NORTH DAKOTA PROGRAM 1	DECREASES FUNDING FOR TOBACCO QUIT LINE 2	REMOVES FUNDING FOR ATTORNEY GENERAL'S OFFICE FEES 3	PROVIDES FUNDING FOR GRANTS TO THE NORTH DAKOTA STOCKMEN'S ASSOCIATION 4	REDUCES OPERATING LINE ITEM 5	DECREASES FUNDING FOR ABANDONED MOTOR VEHICLE DISPOSAL 6
Salaries and wages	(\$104,801)					
Operating expenses	(77,215)	(\$400,000)			(\$409,000)	
Capital assets						
Grants	(20,000)			\$50,000		(\$50,000)
Tobacco program			(\$25,000)			
WIC food payments						
Total all funds	(\$202,016)	(\$400,000)	(\$25,000)	\$50,000	(\$409,000)	(\$50,000)
Less estimated income		<u>(400,000)</u>	<u>(25,000)</u>		<u>(356,525)</u>	<u>(50,000)</u>
General fund	(\$202,016)	\$0	\$0	\$50,000	(\$52,475)	\$0
FTE	(1.00)	0.00	0.00	0.00	0.00	0.00
	DECREASES FUNDING FOR OPERATING LINE ITEM 7	REMOVES FUNDING FOR PERSONAL COMPUTER PURCHASES 8	REMOVES RECOMMENDED SALARY INCREASE 9	INCREASES OPERATING LINE ITEM 10	TOTAL HOUSE CHANGES	
Salaries and wages			(\$326,819)		(\$431,620)	
Operating expenses	(\$139,878)	(\$170,359)		\$100,000	(1,096,452)	
Capital assets						
Grants		(1,000)			(20,000)	
Tobacco program					(26,000)	
WIC food payments						
Total all funds	(\$139,878)	(\$171,359)	(\$326,819)	\$100,000	(\$1,574,072)	
Less estimated income		<u>(112,641)</u>	<u>(215,933)</u>	<u>100,000</u>	<u>(1,060,099)</u>	
General fund	(\$139,878)	(\$58,718)	(\$110,886)	\$0	(\$513,973)	
FTE	0.00	0.00	0.00	0.00	(1.00)	

1 This amendment removes the funding for the Healthy North Dakota program and one associated FTE human service program administrator position.

2 This amendment decreases from \$800,000 to \$400,000 the funding from the community health trust fund for the tobacco quit line.

3 This amendment removes \$25,000 of funding from the community health trust fund for legal fees charged by the Attorney General's office related to the tobacco program.

4 This amendment increases the grants line item by \$50,000 for a grant to the North Dakota Stockmen's Association environmental services program.

5 This amendment decreases the total operating line item by \$409,000, based on the same percentage of general fund money (12.83 percent) and other funds (87.17 percent) for the total department operating line item.

6 This amendment decreases the funding from the abandoned motor vehicle fund from \$300,000 to \$250,000.

7 This amendment decreases the funding for operating expenses from the general fund by \$139,878 relating to basic care unit inspections.

8 This amendment decreases the funding for personal computers by 100 percent of the general fund moneys and 50 percent of the federal funds, as follows:

	GENERAL FUND	FEDERAL FUNDS	TOTAL
Administrative support	(\$10,920)	(\$7,540)	(\$18,460)
Medical services	(14,458)	(11,771)	(26,229)
Health resources	(8,000)	(18,000)	(26,000)
Community health	(3,440)	(12,280)	(15,720)
Environmental health	(21,900)	(62,050)	(83,950)
Tobacco		(1,000)	(1,000)
Total all departments	(\$58,718)	(\$112,641)	(\$171,359)

<sup>9</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

<sup>10</sup> This amendment provides funding from the health care cooperative agreement fund for expenses related to the certificate of public advantage program. This program is to provide health care providers wishing to enter into cooperative agreements with other providers or with third-party payers immunity from prosecution under state antitrust laws and intended immunity under federal antitrust laws. The State Department of Health is to review any application for immunity and determine if the agreement meets certain standards of "public advantage" established in law that would outweigh the disadvantages incurred through a reduction in competition. The funding source of the health care cooperative agreement fund is from fees assessed to the applicants based on program administration costs.

Section 11 of the bill provides for a report to the Budget Section on the status of employee outsourcing.

Section 12 of the bill provides for a Legislative Council study of the nursing home survey process.

#### REPORT OF STANDING COMMITTEE

**HB 1005: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1005 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; to create and enact two new sections to chapter 54-36 of the North Dakota Century Code, relating to a revolving fund for publications and the authority to produce publications and charge a fee; to provide for a transfer; and to declare an emergency"

Page 1, line 9, replace "318,109" with "314,621"

Page 1, line 10, replace "41,222" with "38,722"

Page 1, line 11, replace "359,331" with "353,343"

Page 1, after line 11, insert:

**"SECTION 2.** Two new sections to chapter 54-36 of the North Dakota Century Code are created and enacted as follows:

#### **Indian affairs commission printing fund for publications - Appropriation.**

There is created a revolving fund known as the Indian affairs commission printing fund. All moneys collected by the commission from fees from persons purchasing publications and informal and educational materials produced or distributed by the commission and moneys received from any person for producing and distributing publications and informational and educational materials must be deposited into the Indian affairs commission printing fund. Money in the Indian affairs commission printing fund and earnings on the money in the fund are appropriated on a continuing basis to the commission to defray expenses incurred by the commission in producing and distributing publications and informational and educational materials. This fund is not subject to section 54-44.1-11. If on the first day of July in any year the amount of money in the Indian affairs commission printing fund is more than twenty-five thousand dollars, the amount in excess of twenty-five thousand dollars must be transferred to the general fund.

**Publications - Fees.** The commission may produce and distribute publications and informational and educational materials and may charge a fee for the publication. The fee must be established at an amount equal to the postage and printing costs of the publication.

**SECTION 3. TRANSFER.** The department of public instruction shall transfer \$14,500 from the department's revolving printing fund to the Indian affairs commission printing fund.

**SECTION 4. EMERGENCY.** Sections 2 and 3 of this Act are declared to be an emergency measure."

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1005 - Indian Affairs Commission - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$318,109	(\$3,488)	\$314,621
Operating expenses	<u>41,222</u>	<u>(2,500)</u>	<u>38,722</u>
Total all funds	\$359,331	(\$5,988)	\$353,343
Less estimated income			
General fund	\$359,331	(\$5,988)	\$353,343
FTE	3.00	0.00	3.00

## Dept. 316 - Indian Affairs Commission - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	REMOVES FUNDING FOR PERSONAL COMPUTER <sup>2</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$3,488)		(\$3,488)
Operating expenses		<u>(\$2,500)</u>	<u>(2,500)</u>
Total all funds	(\$3,488)	(\$2,500)	(\$5,988)
Less estimated income			
General fund	(\$3,488)	(\$2,500)	(\$5,988)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee salary increases.

<sup>2</sup> This amendment removes the funding for personal computer replacement.

## House Bill No. 1005 - Other Changes - House Action

New Sections 2 and 3 provide for the creation of a revolving printing fund within the Indian Affairs Commission for collecting fees for publications based on the publication's printing and postage cost. An initial transfer is made of \$14,500 from the Department of Public Instruction's printing revolving fund to the Indian Affairs Commission's printing fund. Any balance in the printing fund in excess of \$25,000 at the end of a biennium is transferred to the general fund.

Section 4 provides that Sections 2 and 3 of the amendment are an emergency measure.

## REPORT OF STANDING COMMITTEE

**HB 1007: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "affairs" insert "; to provide for a performance audit of the department of veterans' affairs and the administrative committee on veterans' affairs; and to provide reports to the budget section"

Page 1, line 12, replace "7,678,757" with "7,304,763"

Page 1, line 13, replace "2,635,427" with "2,525,427"

Page 1, line 15, replace "10,643,938" with "10,159,944"

Page 1, line 16, replace "7,318,664" with "7,497,035"

Page 1, line 17, replace "3,325,274" with "2,662,909"

Page 1, line 20, replace "529,898" with "525,393"

Page 1, line 21, replace "43,935" with "43,597"

Page 1, line 22, replace "485,963" with "481,796"

Page 1, line 23, replace "3,811,237" with "3,144,705"

Page 2, line 1, replace "7,362,599" with "7,540,632"

Page 2, line 2, replace "11,173,836" with "10,685,337"

Page 2, line 5, replace "fifty-eighth" with "fifty-ninth"

Page 2, after line 6, insert:

**"SECTION 3. PERFORMANCE AUDIT - DEPARTMENT OF VETERANS' AFFAIRS AND THE ADMINISTRATIVE COMMITTEE ON VETERANS' AFFAIRS.** The state auditor shall conduct a performance audit of the department of veterans' affairs and the administrative committee on veterans' affairs during the biennium beginning July 1, 2003, and ending June 30, 2005. The results of the performance audit must be presented to the legislative audit and fiscal review committee by July 1, 2004, and filed with the appropriations committees during the fifty-ninth legislative assembly.

**SECTION 4. ADMINISTRATIVE COMMITTEE ON VETERANS' AFFAIRS - STATUS REPORTS - STRATEGIC PLAN - BUDGET SECTION.** A representative of the administrative committee on veterans' affairs shall periodically report to the budget section on the status of the committee's progress in developing and implementing a strategic plan for the veterans' home during the 2003-04 interim."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1007 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Veterans' Home			
Total all funds	\$10,643,938	(\$483,994)	\$10,159,944
Less estimated income	<u>7,318,664</u>	<u>178,371</u>	<u>7,497,035</u>
General fund	\$3,325,274	(\$662,365)	\$2,662,909
Department of Veterans' Affairs			
Total all funds	\$529,898	(\$4,505)	\$525,393
Less estimated income	<u>43,935</u>	<u>(338)</u>	<u>43,597</u>
General fund	\$485,963	(\$4,167)	\$481,796
Bill Total			
Total all funds	\$11,173,836	(\$488,499)	\$10,685,337
Less estimated income	<u>7,362,599</u>	<u>178,033</u>	<u>7,540,632</u>
General fund	\$3,811,237	(\$666,532)	\$3,144,705

#### House Bill No. 1007 - Veterans' Home - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$7,678,757	(\$373,994)	\$7,304,763
Operating expenses	<u>2,635,427</u>	<u>(110,000)</u>	<u>2,525,427</u>
Capital assets	<u>329,754</u>		<u>329,754</u>
Total all funds	\$10,643,938	(\$483,994)	\$10,159,944
Less estimated income	<u>7,318,664</u>	<u>178,371</u>	<u>7,497,035</u>
General fund	\$3,325,274	(\$662,365)	\$2,662,909
FTE	88.01	(0.60)	87.41

#### Dept. 313 - Veterans' Home - Detail of House Changes

	INCREASES FUNDING AND CHANGES FUNDING SOURCE <sup>1</sup>	REMOVES FUNDING FOR INFORMATION TECHNOLOGY POSITION <sup>2</sup>	REMOVES FTE AND FUNDING FOR CHIEF FINANCIAL OFFICER <sup>3</sup>	REMOVES RECOMMENDED SALARY INCREASE <sup>4</sup>	DECREASES FUNDING FOR SALARIES <sup>5</sup>	DECREASES FUNDING FOR OPERATING LINE ITEM <sup>6</sup>
Salaries and wages	\$100,000	(\$91,483)	(\$110,027)	(\$72,484)	(\$200,000)	
Operating expenses						(\$110,000)
Capital assets						
Total all funds	\$100,000	(\$91,483)	(\$110,027)	(\$72,484)	(\$200,000)	(\$110,000)
Less estimated income	<u>200,000</u>			<u>(21,629)</u>		
General fund	(\$100,000)	(\$91,483)	(\$110,027)	(\$50,855)	(\$200,000)	(\$110,000)

FTE	0.00	0.00	(0.60)	0.00	0.00	0.00
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TOTAL  
HOUSE  
CHANGES

Salaries and wages	(\$373,994)
Operating expenses	(110,000)
Capital assets	_____

Total all funds	(\$483,994)
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Less estimated income	<u>178,371</u>
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General fund	(\$662,365)
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FTE	(0.60)
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<sup>1</sup> This amendment provides a funding source switch from general fund moneys to special funds. The Veterans' Home is to consider methods to increase revenue from basic care services to generate the additional special funds. In addition, the salaries and wages line item is increased by \$100,000.

<sup>2</sup> This amendment removes the funding for an information management analyst position. The FTE for the position is maintained and may be funded from other sources from within the budget.

<sup>3</sup> This amendment removes a 0.6 FTE and funding for the chief financial officer position. A vacant 0.6 nurse position was reclassified to a chief financial officer position. The Veterans' Home was using other vacancies to apply toward the remaining 0.4 FTE needed for the chief financial officer position.

<sup>4</sup> This amendment removes the Governor's recommendation for state employee salary increases. The full funding of employee health insurance coverage as provided for in the executive budget recommendation is retained.

<sup>5</sup> This amendment decreases funding for salaries and wages.

<sup>6</sup> This amendment decreases funding for operating expenses.

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

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Veterans' Affairs Administration	<u>\$529,898</u>	<u>(\$4,505)</u>	<u>\$525,393</u>
Total all funds	\$529,898	(\$4,505)	\$525,393
Less estimated income	<u>43,935</u>	<u>(338)</u>	<u>43,597</u>
General fund	\$485,963	(\$4,167)	\$481,796
FTE	5.00	0.00	5.00

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

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	TOTAL HOUSE CHANGES
Veterans' Affairs Administration	<u>(\$4,505)</u>	<u>(\$4,505)</u>
Total all funds	(\$4,505)	(\$4,505)
Less estimated income	<u>(338)</u>	<u>(338)</u>
General fund	(\$4,167)	(\$4,167)
FTE	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee salary increases. The full funding of employee health insurance coverage as provided for in the executive budget recommendation is retained.

### House Bill No. 1007 - Other Changes - House Action

Section 3 provides for a performance audit of the Department of Veterans' Affairs and the Administrative Committee on Veterans' Affairs during the 2003-05 biennium.

Section 4 provides for the Administrative Committee on Veterans' Affairs to develop and implement a strategic plan for the Veterans' Home and to present status reports to the Budget Section.

### REPORT OF STANDING COMMITTEE

**HB 1009: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1009 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "366,750" with "391,750"

Page 1, line 11, replace "576,750" with "601,750"

Page 1, line 13, replace "556,750" with "581,750"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1009 - State Fair Association - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Capital assets	\$210,000		\$210,000
Premiums	<u>366,750</u>	<u>\$25,000</u>	<u>391,750</u>
Total all funds	\$576,750	\$25,000	\$601,750
Less estimated income	<u>20,000</u>		<u>20,000</u>
General fund	\$556,750	\$25,000	\$581,750
FTE	0.00	0.00	0.00

##### Dept. 665 - State Fair Association - Detail of House Changes

	INCREASE FUNDING FOR PREMIUMS <sup>1</sup>	TOTAL HOUSE CHANGES
Capital assets		
Premiums	<u>\$25,000</u>	<u>\$25,000</u>
Total all funds	\$25,000	\$25,000
Less estimated income		
General fund	\$25,000	\$25,000
FTE	0.00	0.00

<sup>1</sup> This amendment increases funding for premiums by \$25,000 from the general fund from a total of \$366,750, of which \$346,750 is from the general fund, to a total of \$391,750, of which \$371,750 is from the general fund.

#### REPORT OF STANDING COMMITTEE

**HB 1010: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "430,661" with "426,084"

Page 1, line 10, replace "222,918" with "219,918"

Page 1, line 11, replace "1,415,857" with "1,559,607"

Page 1, remove line 12

Page 1, line 13, replace "2,253,186" with "2,205,609"

Page 1, line 15, replace "1,030,971" with "983,394"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1010 - Council on the Arts - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$430,661	(\$4,577)	\$426,084
Operating expenses	222,918	(3,000)	219,918
Grants	1,415,857	143,750	1,559,607
Lewis and Clark Bicentennial	<u>183,750</u>	<u>(183,750)</u>	
Total all funds	\$2,253,186	(\$47,577)	\$2,205,609

Less estimated income	<u>1,222,215</u>		<u>1,222,215</u>
General fund	\$1,030,971	(\$47,577)	\$983,394
FTE	5.00	0.00	5.00

**Dept. 709 - Council on the Arts - Detail of House Changes**

	REMOVES RECOMMENDED SALARY INCREASE 1	REMOVES FUNDING FOR TWO NEW COMPUTERS	TRANSFERS FUNDING TO GRANTS LINE ITEM 2	DECREASES FUNDING FOR GRANTS	TOTAL HOUSE CHANGES
Salaries and wages	(\$4,577)				(\$4,577)
Operating expenses		(\$3,000)			(3,000)
Grants			\$183,750	(\$40,000)	143,750
Lewis and Clark Bicentennial			<u>(183,750)</u>		<u>(183,750)</u>
Total all funds	(\$4,577)	(\$3,000)	\$0	(\$40,000)	(\$47,577)
Less estimated income					
General fund	(\$4,577)	(\$3,000)	\$0	(\$40,000)	(\$47,577)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

<sup>2</sup> This amendment combines funding for the grants line item and the Lewis and Clark Bicentennial line item.

**REPORT OF STANDING COMMITTEE**

**HB 1011: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "2,263,853" with "2,243,188"

Page 1, line 9, replace "30,184,984" with "30,184,537"

Page 1, line 10, replace "1,023,023" with "1,016,963"

Page 1, line 11, replace "33,471,860" with "33,444,688"

Page 1, line 12, replace "14,473,199" with "14,590,404"

Page 1, line 13, replace "18,998,661" with "18,854,284"

Page 1, line 15, replace "\$6,661,576" with "\$6,611,080"

Page 1, line 16, after "highway" insert "tax"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1011 - Highway Patrol - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Administration	\$2,263,853	(\$20,665)	\$2,243,188
Field operations	30,184,984	(447)	30,184,537
Law Enforcement Training Academy	<u>1,023,023</u>	<u>(6,060)</u>	<u>1,016,963</u>
Total all funds	\$33,471,860	(\$27,172)	\$33,444,688
Less estimated income	<u>14,473,199</u>	<u>117,205</u>	<u>14,590,404</u>
General fund	\$18,998,661	(\$144,377)	\$18,854,284
FTE	181.00	2.00	183.00

**Dept. 504 - Highway Patrol - Detail of House Changes**

	REMOVES RECOMMENDED SALARY INCREASE 2	TOTAL HOUSE CHANGES
ADDS FTE POSITIONS 1		



Administration		(\$20,665)	(\$20,665)
Field operations	\$180,000	(180,447)	(447)
Law Enforcement Training Academy		(6,060)	(6,060)
Total all funds	\$180,000	(\$207,172)	\$27,172)
Less estimated income	<u>180,000</u>	<u>(62,795)</u>	<u>117,205</u>
General fund	\$0	(\$144,377)	(\$144,377)
FTE	2.00	0.00	2.00

<sup>1</sup> The field operations line item is increased by \$180,000 of federal funds for 2 additional FTE positions to assist with safety audits of motor carriers recently approved for federal interstate operating authority. The 2 FTE positions are authorized only for the period of time that federal funds are available to provide for the cost of the positions.

<sup>2</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

### REPORT OF STANDING COMMITTEE

**HB 1012: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1012 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "106,357,711" with "105,330,558"

Page 1, line 12, replace "124,852,369" with "113,252,369"

Page 1, line 13, replace "459,496,984" with "471,096,984"

Page 1, line 15, replace "734,792,567" with "733,765,414"

Renumber accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1012 - Department of Transportation - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$106,357,711	(\$1,027,153)	\$105,330,558
Operating expenses	124,852,369	(11,600,000)	113,252,369
Capital assets	459,496,984	11,600,000	471,096,984
Grants	<u>44,085,503</u>		<u>44,085,503</u>
Total all funds	\$734,792,567	(\$1,027,153)	\$733,765,414
Less estimated income	<u>734,792,567</u>	<u>(1,207,153)</u>	<u>733,765,414</u>
General fund	\$0	\$0	\$0
FTE	1046.00	0.00	1046.00

#### Dept. 801 - Department of Transportation - Detail of House Changes

	LINE ITEM FUNDING SHIFT <sup>1</sup>	REMOVES RECOMMENDED SALARY INCREASE <sup>2</sup>	TOTAL HOUSE CHANGES
Salaries and wages		(\$1,027,153)	(\$1,027,153)
Operating expenses	(\$11,600,000)		(11,600,000)
Capital assets	11,600,000		11,600,000
Grants			
Total all funds	\$0	(\$1,027,153)	(\$1,027,153)
Less estimated income		<u>(1,027,153)</u>	<u>(1,027,153)</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> Appropriates funding for highway maintenance projects that are eligible for federal reimbursement in the capital assets line item rather than the operating expenses line item.

<sup>2</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance.

### REPORT OF STANDING COMMITTEE

**HB 1017: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1017 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "out of any moneys in the general fund in the state"

Page 1, line 6, remove "treasury, not otherwise appropriated, and"

Page 1, line 9, replace "34,411,497" with "25,031,370"

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

Page 1, line 12, replace "7,617,792" with "9,999"

Page 1, remove line 13

Page 1, line 14, replace "all funds" with "special funds appropriation" and replace "58,601,193" with "35,799,490"

Page 1, remove lines 15 and 16

Page 1, remove lines 20 through 24

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,411,497	(\$9,380,127)	\$25,031,370
Operating expenses	14,529,359	(3,810,922)	10,718,437
Capital assets	39,684		39,684
Grants	7,617,792	(7,607,793)	9,999
Work Force 2000	<u>2,002,861</u>	<u>(2,002,861)</u>	
Total all funds	\$58,601,193	(\$22,801,703)	\$35,799,490
Less estimated income	<u>56,598,332</u>	<u>(20,798,842)</u>	<u>35,799,490</u>
General fund	\$2,002,861	(\$2,002,861)	\$0
FTE	367.17	(4.00)	363.17

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

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	REMOVES FUNDING FOR WORK FORCE 2000 <sup>2</sup>	REMOVES FUNDING FOR WORKFORCE DEVELOPMENT PROGRAMS <sup>3</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$354,292)		(\$9,025,835)	(\$9,380,127)
Operating expenses			(3,810,922)	(3,810,922)
Capital assets				
Grants			(7,607,793)	(7,607,793)
Work Force 2000		<u>(\$2,002,861)</u>		<u>(2,002,861)</u>
Total all funds	(\$354,292)	(\$2,002,861)	(\$20,444,550)	(\$22,801,703)
Less estimated income	<u>(354,292)</u>		<u>(20,444,550)</u>	<u>(20,798,842)</u>
General fund	\$0	(\$2,002,861)	\$0	(\$2,002,861)
FTE	0.00	(4.00)	0.00	(4.00)

<sup>1</sup> This amendment removes funding for the Governor's recommended salary increase of 1 percent effective January 1, 2004, and 2 percent effective January 1, 2005. This amendment retains full funding of employee health insurance coverage as provided for in the executive budget recommendation.

<sup>2</sup> This amendment transfers funding \$2,002,861 from the general fund relating to the Work Force 2000 program to the Department of Commerce. The amendment also removes four FTE positions relating to the Work Force 2000 program and removes Section 3 of the bill relating to Work Force 2000 allocations.

<sup>3</sup> This amendment removes special funds totaling \$20,444,550 relating 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) to be funded in the Department of Commerce.

#### REPORT OF STANDING COMMITTEE

**HB 1020: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1020 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "3,001,677" with "2,969,634"

Page 1, line 12, replace "20,037,083" with "19,637,083"

Page 1, remove line 14

Page 1, line 16, replace "25,993,817" with "24,211,774"

Page 1, line 17, replace "10,875,297" with "10,874,593"

Page 1, line 18, replace "15,118,520" with "13,337,181"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1020 - Vocational Education - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,001,677	(\$32,043)	\$2,969,634
Operating expenses	621,845		621,845
Grants	20,037,083	(400,000)	19,637,083
Adult farm management	625,760		625,760
Workforce training	1,350,000	(1,350,000)	
Postsecondary education vocational grants	357,452		357,452
Total all funds	\$25,993,817	(\$1,782,043)	\$24,211,774
Less estimated income	<u>10,875,297</u>	<u>(704)</u>	<u>10,874,593</u>
General fund	\$15,118,520	(\$1,781,339)	\$13,337,181
FTE	27.50	0.00	27.50

#### Dept. 270 - Vocational Education - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	REMOVES FUNDING TO EXPAND CAREER DEVELOPMENT PROGRAMS	DECREASES FUNDING FOR AWARENESS CAMPAIGN <sup>2</sup>	REMOVES FUNDING FOR WORKFORCE TRAINING CONTRACTS <sup>3</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$32,043)				(\$32,043)
Operating expenses					
Grants		(\$360,000)	(\$40,000)		(400,000)
Adult farm management					
Workforce training				(\$1,350,000)	(1,350,000)
Postsecondary education vocational grants					
Total all funds	(\$32,043)	(\$360,000)	(\$40,000)	(\$1,350,000)	(\$1,782,043)
Less estimated income	<u>(704)</u>				<u>(704)</u>
General fund	(\$31,339)	(\$360,000)	(\$40,000)	(\$1,350,000)	(1,781,339)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee increases and retains the recommended state payment for health insurance premiums.

<sup>2</sup> This amendment decreases funding from the general fund for the agency's awareness campaign from \$80,000 to \$40,000.

<sup>3</sup> This amendment removes funding for the workforce training contracts to be added to House Bill No. 1019.

#### REPORT OF STANDING COMMITTEE

**HB 1021: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1021 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "35,341,437" with "34,415,856"

Page 1, line 15, replace "21,239,318" with "20,500,178"

Page 1, line 16, replace "14,102,119" with "13,915,678"

Page 1, line 19, replace "1,536,257" with "1,524,784"

Page 1, line 20, replace "782,898" with "777,825"

Page 1, line 21, replace "753,359" with "746,959"

Page 2, line 1, replace "10,901,291" with "10,848,064"

Page 2, line 2, replace "10,413,762" with "10,364,776"

Page 2, line 3, replace "487,529" with "483,288"

Page 2, line 6, replace "60,956,183" with "59,757,658"

Page 2, line 7, replace "32,404,239" with "31,519,854"

Page 2, line 8, replace "28,551,944" with "28,237,804"

Page 2, line 11, replace "5,216,097" with "5,282,891"

Page 2, line 12, replace "1,677,073" with "1,669,065"

Page 2, line 13, replace "1,616,622" with "1,523,475"

Page 2, line 14, replace "1,292,947" with "1,283,914"

Page 2, line 15, replace "1,725,235" with "1,714,374"

Page 2, line 16, replace "1,652,770" with "1,644,295"

Page 2, line 17, replace "3,350,876" with "3,329,112"

Page 2, line 18, replace "16,531,620" with "16,447,126"

Page 2, line 19, replace "8,983,676" with "8,968,852"

Page 2, line 20, replace "7,547,944" with "7,478,274"

Page 2, line 23, replace "1,170,385" with "1,166,914"

Page 2, line 24, replace "1,170,385" with "1,166,914"

Page 2, line 25, replace "51,442,895" with "50,862,003"

Page 2, line 26, replace "74,994,278" with "73,298,399"

Page 2, line 27, replace "126,437,173" with "124,160,402"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1021 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Upper Great Plains Transportation Institute			
Total all funds	\$10,901,291	(\$53,227)	\$10,848,064
Less estimated income	<u>10,413,762</u>	<u>(48,986)</u>	<u>10,364,776</u>
General fund	\$487,529	(\$4,241)	\$483,288
Branch research centers			
Total all funds	\$16,531,620	(\$84,494)	\$16,447,126
Less estimated income	<u>8,983,676</u>	<u>(14,824)</u>	<u>8,968,852</u>
General fund	\$7,547,944	(\$69,670)	\$7,478,274
NDSU Extension Service			
Total all funds	\$35,341,437	(\$925,581)	\$34,415,856
Less estimated income	<u>21,239,318</u>	<u>(739,140)</u>	<u>20,500,178</u>
General fund	\$14,102,119	(\$186,441)	\$13,915,678

Northern Crops Institute

Total all funds	\$1,536,257	(\$11,473)	\$1,524,784
Less estimated income	<u>782,898</u>	<u>(5,073)</u>	<u>777,825</u>
General fund	\$753,359	(\$6,400)	\$746,959
Main Research Station			
Total all funds	\$60,956,183	(\$1,198,525)	\$59,757,658
Less estimated income	<u>32,404,239</u>	<u>(884,385)</u>	<u>31,519,854</u>
General fund	\$28,551,944	(\$314,140)	\$28,237,804
Agronomy Seed Farm			
Total all funds	\$1,170,385	(\$3,471)	\$1,166,914
Less estimated income	<u>1,170,385</u>	<u>(3,471)</u>	<u>1,166,914</u>
General fund	\$0	\$0	\$0
Bill Total			
Total all funds	\$126,437,173	(\$2,276,771)	\$124,160,402
Less estimated income	<u>74,994,278</u>	<u>(1,695,879)</u>	<u>73,298,399</u>
General fund	\$51,442,895	(\$580,892)	\$50,862,003

**House Bill No. 1021 - Upper Great Plains Transportation Institute - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Upper Great Plains Transportation Institute	<u>\$10,901,291</u>	<u>(\$53,227)</u>	<u>\$10,848,064</u>
Total all funds	\$10,901,291	(\$53,227)	\$10,848,064
Less estimated income	<u>10,413,762</u>	<u>(48,986)</u>	<u>10,364,776</u>
General fund	\$487,529	(\$4,241)	\$483,288
FTE	31.50	0.00	31.50

**Dept. 627 - Upper Great Plains Transportation Institute - Detail of House Changes**

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	TOTAL HOUSE CHANGES
Upper Great Plains Transportation Institute	<u>(\$53,227)</u>	<u>(\$53,227)</u>
Total all funds	(\$53,227)	(\$53,227)
Less estimated income	<u>(48,986)</u>	<u>(48,986)</u>
General fund	(\$4,241)	(\$4,241)
FTE	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

**House Bill No. 1021 - Branch Research Centers - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Dickinson Research Center	\$5,216,097	\$66,794	\$5,282,891
Central Grasslands Research Center	<u>1,677,073</u>	<u>(8,008)</u>	<u>1,669,065</u>
Hettinger Research Center	1,616,622	(93,147)	1,523,475
Langdon Research Center	<u>1,292,947</u>	<u>(9,033)</u>	<u>1,283,914</u>
North Central Research Center	1,725,235	(10,861)	1,714,374
Williston Research Center	1,652,770	(8,475)	1,644,295
Carrington Research Center	<u>3,350,876</u>	<u>(21,764)</u>	<u>3,329,112</u>
Total all funds	\$16,531,620	(\$84,494)	\$16,447,126
Less estimated income	<u>8,983,676</u>	<u>(14,824)</u>	<u>8,968,852</u>
General fund	\$7,547,944	(\$69,670)	\$7,478,274
FTE	73.65	0.00	73.65

**Dept. 628 - Branch Research Centers - Detail of House Changes**

	REMOVES FTE AND FUNDING FOR PROFESSIONAL POSITION <sup>1</sup>	TRANSFERS FTE AND FUNDING FROM NDSU EXTENSION SERVICE <sup>2</sup>	REMOVES RECOMMENDED SALARY INCREASE <sup>3</sup>	TOTAL HOUSE CHANGES
Dickinson Research Center		\$84,405	(\$17,611)	\$66,794
Central Grasslands Research Center			<u>(8,008)</u>	<u>(8,008)</u>
Hettinger Research Center	(\$83,669)		(9,478)	(93,147)
Langdon Research Center			<u>(9,033)</u>	<u>(9,033)</u>
North Central Research			<u>(10,861)</u>	<u>(10,861)</u>

Center			(8,475)	(8,475)
Williston Research Center			(21,764)	(21,764)
Carrington Research Center				
Total all funds	(\$83,669)	\$84,405	(\$85,230)	(\$84,494)
Less estimated income	<u>(83,669)</u>	<u>84,405</u>	<u>(15,560)</u>	<u>(14,824)</u>
General fund	\$0	\$0	(\$69,670)	(\$69,670)
FTE	(1.00)	1.00	0.00	0.00

<sup>1</sup> Removes vacant professional position at the Hettinger Research Center and related funding.

<sup>2</sup> Transfers FTE Extension Service position and funding from Bismarck extension office to Dickinson Research Center.

<sup>3</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

### House Bill No. 1021 - NDSU Extension Service - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
NDSU Extension Service	<u>\$35,341,437</u>	<u>(\$925,581)</u>	<u>\$34,415,856</u>
Total all funds	\$35,341,437	(\$925,581)	\$34,415,856
Less estimated income	<u>21,239,318</u>	<u>(739,140)</u>	<u>20,500,178</u>
General fund	\$14,102,119	(\$186,441)	\$13,915,678
FTE	277.57	(7.00)	270.57

### Dept. 630 - NDSU Extension Service - Detail of House Changes

	REMOVES FTE POSITIONS AND FUNDING <sup>1</sup>	TRANSFERS FTE AND FUNDING TO DICKINSON RESEARCH CENTER <sup>2</sup>	RECOMMENDED SALARY INCREASE <sup>3</sup>	TOTAL HOUSE CHANGES
NDSU Extension Service	<u>(\$547,103)</u>	<u>(\$84,405)</u>	<u>(\$294,073)</u>	<u>(\$925,581)</u>
Total all funds	(\$547,103)	(\$84,405)	(\$294,073)	(\$925,581)
Less estimated income	<u>(547,103)</u>	<u>(84,405)</u>	<u>(107,632)</u>	<u>(739,140)</u>
General fund	\$0	\$0	(\$186,441)	(\$186,441)
FTE	(6.00)	(1.00)	0.00	(7.00)

<sup>1</sup> This amendment removes the following vacant FTE positions:

POSITION	FTE	GENERAL FUND	SPECIAL FUNDS	TOTAL
Education services	(1.00)		(\$54,788)	(\$54,788)
Extension specialist	(0.75)		(109,858)	(109,858)
4-H agent	(0.80)		(77,311)	(77,311)
Extension specialist	(1.00)		(166,042)	(166,042)
County home economist	(0.50)		(34,220)	(34,220)
County home economist	(0.80)		(55,623)	(55,623)
Administrative secretary	(0.65)		(31,306)	(31,306)
County home economist	<u>(0.50)</u>		<u>(44,955)</u>	<u>(44,955)</u>
Total	(6.00)	\$0	(\$574,103)	(\$574,103)

<sup>2</sup> Transfers FTE Extension Service position and funding from Bismarck extension office to the Dickinson Research Center.

<sup>3</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

### House Bill No. 1021 - Northern Crops Institute - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Northern Crops Institute	<u>\$1,536,257</u>	<u>(\$11,473)</u>	<u>\$1,524,784</u>
Total all funds	\$1,536,257	(\$11,473)	\$1,524,784
Less estimated income	<u>782,898</u>	<u>(5,073)</u>	<u>777,825</u>
General fund	\$753,359	(\$6,400)	\$746,959
FTE	8.17	0.00	8.17

### Dept. 638 - Northern Crops Institute - Detail of House Changes

REMOVES

	RECOMMENDED SALARY INCREASE 1	TOTAL HOUSE CHANGES
Northern Crops Institute	<u>(\$11,473)</u>	<u>(\$11,473)</u>
Total all funds	(\$11,473)	(\$11,473)
Less estimated income	<u>(5,073)</u>	<u>(5,073)</u>
General fund	(\$6,400)	(\$6,400)
FTE	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

### House Bill No. 1021 - Main Research Station - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Main Research Station	<u>\$60,956,183</u>	<u>(\$1,198,525)</u>	<u>\$59,757,658</u>
Total all funds	\$60,956,183	(\$1,198,525)	\$59,757,658
Less estimated income	<u>32,404,239</u>	<u>(884,385)</u>	<u>31,519,854</u>
General fund	\$28,551,944	(\$314,140)	\$28,237,804
FTE	358.55	(9.36)	349.19

### Dept. 640 - Main Research Station - Detail of House Changes

	REMOVES FTE POSITIONS AND FUNDING 1	REMOVES RECOMMENDED SALARY INCREASE 2	TOTAL HOUSE CHANGES
Main Research Station	<u>(\$739,918)</u>	<u>(\$458,607)</u>	<u>(\$1,198,525)</u>
Total all funds	(\$738,918)	(\$458,607)	(\$1,198,525)
Less estimated income	<u>(739,918)</u>	<u>(144,467)</u>	<u>(884,385)</u>
General fund	\$0	(\$314,140)	(\$314,140)
FTE	(9.36)	0.00	(9.36)

<sup>1</sup> This amendment removes the following vacant FTE positions. Funding for the associate professor and acting chair positions were removed by the Main Research Station to meet the 95 percent budget request. The related FTEs are removed in this amendment.

POSITION	FTE	GENERAL FUND	SPECIAL FUNDS	TOTAL
Academic staff	(1.00)		(\$138,339)	(\$138,339)
Academic staff	(1.00)		(101,087)	(101,087)
Professional	(1.00)		(92,601)	(92,601)
Research assistant	(1.00)		(71,578)	(71,578)
Professional	(1.00)		(80,577)	(80,577)
Academic staff	(1.00)		(88,339)	(88,339)
Professional	(1.00)		(82,994)	(82,994)
Academic staff	(1.00)		(84,403)	(84,403)
Associate professor	(0.71)			0
Acting chair	<u>(0.65)</u>			<u>0</u>
Total	(9.36)	\$0	(\$739,918)	(\$739,918)

<sup>2</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

### House Bill No. 1021 - Agronomy Seed Farm - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Agronomy Seed Farm	<u>\$1,170,385</u>	<u>(\$3,471)</u>	<u>\$1,166,914</u>
Total all funds	\$1,170,385	(\$3,471)	\$1,166,914
Less estimated income	<u>1,170,385</u>	<u>(3,471)</u>	<u>1,166,914</u>
General fund	\$0	\$0	\$0
FTE	2.87	0.00	2.87

### Dept. 649 - Agronomy Seed Farm - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE 1	TOTAL HOUSE CHANGES
Agronomy Seed Farm	<u>(\$3,471)</u>	<u>(\$3,471)</u>

Total all funds	(\$3,471)	(\$3,471)
Less estimated income	<u>(3,471)</u>	<u>(3,471)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

### REPORT OF STANDING COMMITTEE

**HB 1180: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1180 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "three"

Page 1, line 2, after "proposals" insert ", small purchases," and remove "resolving"

Page 1, line 4, replace "subsection" with "subsections 1," and after "2" insert ", and 4"

Page 2, line 16, remove "The term includes professional services"

Page 2, remove line 17

Page 2, line 23, after the fourth comma insert "services,"

Page 2, line 30, remove the overstrike over the overstruck period and replace ", except" with "Each time a purchasing agency procures professional services, the agency shall file with the office of management and budget a report describing the nature of the service procured; the process used to procure the service; and if a competitive bidding process or a competitive proposal process was not used, an explanation for the deviation from either process. The report must be filed with the office of management and budget within thirty days of the securing of the professional services."

Page 2, remove line 31

Page 3, remove lines 1 and 2

Page 3, line 15, after the first "commodities" insert "and services", after the second "~~items~~" insert "those", and after the second "commodities" insert "and services"

Page 3, line 28, replace the second "and" with "or"

Page 4, line 21, overstrike "The office of"

Page 4, line 22, overstrike "management and budget" and replace "or purchasing agency" with "The procurement officer"

Page 7, after line 17, insert:

**"SECTION 6.** A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

#### Small purchases.

1. Any procurement not exceeding the amount established by written directive of the office of management and budget or by the state board of higher education pursuant to subsection 5 of section 15-10-17 may be made in accordance with small purchase procedures.
2. Small purchases need not be made through competitive sealed bidding or competitive sealed proposals. However, small purchases must be made with competition that is practicable under the circumstances.
3. Procurement requirements may not be artificially divided as to constitute a small purchase under this section.

Page 7, line 24, replace "of the office of" with "responsible for the contract or solicitation"

Page 7, line 25, remove "management and budget or the purchasing agency"



Page 8, line 11, replace "Subsection 2" with "Subsections 1, 2, and 4"

Page 8, line 12, replace "is" with "are"

Page 8, after line 12, insert:

- "1. The office of management and budget shall establish and maintain current lists of persons that desire to provide commodities and services to the state. Every person ~~or business entity~~ that desires to bid or submit a proposal on contracts for commodities and services awarded under this chapter must be an approved vendor in order to ~~receive a request for bids or proposals.~~ Unless waived by the director of the office of management and budget, or the director's designee, a bid or proposal may not be considered under this section from any vendor that is not approved be placed on the bidders list. The office of management and budget or the purchasing agency shall use the list when issuing invitation for bids or request for proposals over the amount established for small purchases, except as otherwise provided in this section."

Page 8, after line 29, insert:

- "4. ~~The director of the office of management and budget, or the director's designee, procurement officer may waive the requirements for registration with the secretary of state as provided in this section and authorize receipt of a bid or proposal from a vendor that unqualifiedly refuses to register as provided in this section if the director or the director's designee is not on the list of approved vendors if the procurement officer makes a written determination that:~~
- a. ~~A commodity is so unique and possesses such specific characteristics essential to the government program in question that it is available only from one source and not through wholesalers or retailers;~~
  - b. ~~An emergency as defined in subsection 7 of section 54-44.4-02 exists; or~~
  - e. The commodity to be purchased is a one-time purchase for which at least two approved vendors are not available and the director of the office of management and budget, or the director's designee, determines consideration of bids or proposals from unregistered vendors is in the best interest of the state it is in the best interest of the state to receive the bid or proposal. The successful bidder or offeror must become approved before the award and the existence of this approval requirement must be stated in the solicitation. If an unapproved vendor is selected for award, the vendor's bid or proposal may be rejected if that vendor fails to become approved within sixty days or within a shorter period as specified in writing by the procurement officer. The procurement officer may waive approval requirement if the procurement officer determines that registration with the secretary of state and appointment of an agent for service of process in this state are not required. In the event of a tie bid or proposal, the ~~registered~~ approved vendor must be given preference."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1197: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "cash sale" with "noncredit-sale"

Page 2, line 19, replace "cash sale and storage" with "noncredit-sale"

Page 3, line 12, replace "warehouseman" with "licensee"

Page 3, line 14, replace "warehouseman" with "licensee"

Page 3, line 24, replace "may" with "shall"

Page 3, line 29, after "a" insert "licensed" and after "warehouse" insert "or a grain buyer"

Page 3, line 31, after "The" insert "licensed" and after "grain" insert "or the grain buyer to whom the person sold grain"

Page 4, line 1, after "The" insert "licensed" and after "warehouse" insert "or the grain buyer"

Page 4, line 4, after the first "a" insert "licensed" and after "warehouse" insert "or a grain buyer"

Page 4, line 6, replace "warehouse's" with "licensee's"

Page 4, line 7, replace "warehouse" with "licensee"

Page 4, line 11, replace the second "the" with "all of that person's unsatisfied"

Page 4, line 12, replace "contract or one" with "contracts or two" and after "hundred" insert "fifty"

Page 4, line 18, remove "section 6 of"

Page 4, after line 31, insert:

"Revocation and suspension. The commission may suspend or revoke the license of any licensee for cause upon notice and hearing for violation of this chapter.

Cease and desist. If a person engages in an activity or practice that is contrary to this chapter or rules adopted by the commission, the commission, upon its own motion without complaint and with or without a hearing, may order the person to cease and desist from the activity until further order of the commission. The order may include any corrective action up to and including license suspension. A cease and desist order must be accompanied by a notice of opportunity to be heard on the order within fifteen days of the issuance of the order.

Claims. A claim concerning a grain buyer must be administered in a manner consistent with chapter 60-02.1. A claim concerning a state licensed grain warehouse must be administered in a manner consistent with chapter 60-04. A payment may not be made from the credit-sale contract indemnity fund for a claim based on losses resulting from the sale of grain to a person not licensed under chapter 60-02, chapter 60-02.1, or the United States Warehouse Act [Pub. L. 106-472; 114 Stat. 2061; 7 U.S.C. 241 et seq.].

Subrogation. Money paid from the credit-sale contract indemnity fund in satisfaction of a valid claim constitutes a debt obligation of the person against whom the claim was made. The commission may take action on behalf of the fund against a person to recover the amount of payment made, plus costs and attorney's fees. Any recovery for reimbursement to the fund must include interest computed at the weight average prime rate charged by the Bank of North Dakota. Upon payment of a claim from the credit-sale contract indemnity fund, the claimant shall subrogate its interest, if any, to the commission in a cause of action against all parties, to the amount of the loss that the claimant was reimbursed by the fund.

Unlicensed facility-based grain buyer. This chapter also applies to a facility-based grain buyer, as defined in section 60-02.1-01, which is licensed under the United States Warehouse Act but which does not possess a state grain buyer license. The commission has the duty and power to examine and inspect, during regular business hours, all books, documents, and records related to collections and remittances pertaining to the credit-sale contract indemnity fund. In the case of insolvency, credit-sale contract payments to valid claimants must be reduced by an amount equal to the credit-sale contract indemnity payments received from payments administered by the United States department of agriculture."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1198: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1198 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "15.1-27-05," and after "57-02-27.2" insert a comma

Page 1, line 2, after the first "to" insert "determination of net assessed and equalized valuation of agricultural property for purposes of the school district equalization factor and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 15.1-27-05 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-05. (Effective through June 30, 2004) School district equalization factor.** To determine the amount of payments due a school district, the superintendent of public instruction shall add the tuition apportionment payments, per student payments, special education aid, transportation aid, and teacher compensation payments for which a school district is eligible and from that total subtract the following:

1. The product of thirty-two mills times the latest available net assessed and equalized valuation of property in the district. However, for purposes of determining net assessed and equalized valuation of agricultural property in the district under this subsection, the average agricultural value per acre estimated by the agricultural economics department of North Dakota state university under subsection 5 of section 57-02-27.2 for cropland, noncropland, and inundated agricultural land for the county must be applied to the acreage within the district in each of those categories of agricultural land.
2. The amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of seventy-five percent of its actual expenditures plus twenty thousand dollars.

**(Effective after June 30, 2004) School district equalization factor.** To determine the amount of payments due a school district, the superintendent of public instruction shall add the tuition apportionment payments, per student payments, special education aid, transportation aid, and teacher compensation payments for which a school district is eligible and from that total subtract the following:

1. The product of thirty-two mills times the latest available net assessed and equalized valuation of property in the district. However, for purposes of determining net assessed and equalized valuation of agricultural property in the district under this subsection, the average agricultural value per acre estimated by the agricultural economics department of North Dakota state university under subsection 5 of section 57-02-27.2 for cropland, noncropland, and inundated agricultural land for the county must be applied to the acreage within the district in each of those categories of agricultural land.
2. The amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars."

Page 3, line 19, after "estimates" insert "and all other matters that affect the actual value of the agricultural property"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1219: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1219 was placed on the Sixth order on the calendar.

Page 2, replace lines 5 through 13 with:

"b. Property is not agricultural property and must be considered to be for recreational use and assessed as commercial property if:

- (1) For property that is not enrolled in the conservation reserve program, the property was not primarily used for raising agricultural crops or grazing farm animals in at least one of the

three consecutive preceding taxable years, excluding consideration of years in which natural disaster prevented such usage; or

- (2) For property that is enrolled in the conservation reserve program, the owner does not qualify as a farmer as defined in subdivision b of subsection 15 of section 57-02-08.

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1231: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING). HB 1231 was placed on the Sixth order on the calendar.

Page 1, line 2, after the third comma insert "and" and remove ", and 26.1-02.1-12"

Page 1, line 6, after the first semicolon insert "and" and remove "; and to provide an appropriation"

Page 3, line 3, replace the underscored colon with "pay"

Page 3, line 4, remove "a. Pay"

Page 3, line 6, replace "b. Pay" with "pay"

Page 3, line 8, replace "c. Pay" with "pay"

Page 3, line 9, replace "d. Act" with "act" and after the second underscored period insert "The term does not include a debt cancellation contract between a bank and debtor or between a savings association and debtor and does not include a debt suspension contract between a bank and debtor or between a savings association and debtor."

Page 3, line 15, after "association" insert ", the risk management fund, a bank or savings association as a party to a debt cancellation contract or debt suspension contract,"

Page 7, remove lines 3 through 8

Page 7, line 9, replace "26.1-02.1-07" with "26.1-02.1-06"

Page 7, line 21, replace "26.1-02.1-08" with "26.1-02.1-07"

Page 7, line 23, replace "26.1-02.1-08" with "26.1-02.1-07"

Page 7, line 25, replace "26.1-02.1-07" with "26.1-02.1-06"

Page 8, after line 26, insert:

- "5. Any investigative information gathered under section 26.1-02.1-06 or 26.1-02.1-08 is criminal investigative information and may not be disclosed except as provided under section 44-04-18.7."

Page 8, line 27, replace "26.1-02.1-09" with "26.1-02.1-08"

Page 8, line 29, replace "26.1-02.1-09" with "26.1-02.1-08"

Page 10, line 5, replace "26.1-02.1-10" with "26.1-02.1-09"

Page 10, line 7, replace "26.1-02.1-10" with "26.1-02.1-09"

Page 10, line 15, replace "26.1-02.1-11" with "26.1-02.1-10"

Page 10, line 17, replace "26.1-02.1-11" with "26.1-02.1-10"

Page 10, line 27, replace "26.1-02.1-12" with "26.1-02.1-11"

Page 10, line 29, replace "26.1-02.1-12" with "26.1-02.1-11" and replace "deemed" with "determined"

Page 11, remove lines 3 through 7

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1268: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1268 was placed on the Sixth order on the calendar.

Page 1, line 2, after "reimbursements" insert "; and to provide an effective date"

Page 2, line 18, replace "2002" with "2000"

Page 2, after line 20, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2005."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1308, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1308 was placed on the Sixth order on the calendar.

Page 1, line 22, after the period insert "Upon providing written notice to the emergency commission and the budget section of the legislative council, a state officer may receive moneys from grants, not otherwise appropriated by the legislative assembly, in an amount not exceeding five hundred thousand dollars if the acceptance of the moneys is consistent with state law, the legislative assembly has not indicated an intent to reject the moneys or the program for which the moneys are provided, and the acceptance of the moneys does not commit the legislative assembly for matching funds in the future."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1359: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1359 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "- Permit required"

Page 1, line 11, replace the second "motor" with an underscored comma

Page 1, line 12, remove "vehicle that includes", replace "and" with ", or", and replace "vehicles" with "vehicle"

Page 1, line 20, replace "section" with "sections" and replace "does" with "and 39-22-20 do"

Page 1, after line 21, insert:

"3. A collector motor vehicle is a vehicle that is at least twenty-five years old; an antique motor vehicle is a vehicle that is at least forty years old; and a special interest vehicle is a vehicle that has an appreciating value because of rarity, originality, or limited production of an anniversary edition."

Page 2, line 2, remove the overstrike over "~~except when the owner is a licensed~~"

Page 2, line 3, remove the overstrike over "~~motor vehicle dealer,~~"

Page 2, line 4, after the period insert "However, a motor vehicle dealer may sell a collector motor vehicle consigned to the dealer by an owner that is a licensed motor vehicle dealer."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

**HB 1362: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1362 was placed on the Sixth order on the calendar.

Page 1, line 14, after the first comma insert "subsection 10 of section 10-31-01,"

Page 2, line 27, after the first comma insert "professional corporations,"

Page 34, line 5, replace "of" with "or"

Page 34, after line 10, insert:

**"SECTION 23. AMENDMENT.** Subsection 10 of section 10-31-01 of the North Dakota Century Code is amended and reenacted as follows:

10. "Professional service" means the personal service to the public which requires a license as a condition precedent to the rendering of such service and which ~~before the passage of this chapter could not be performed by a corporation, limited liability company, or a limited liability partnership~~ requires as a condition of licensure an undergraduate or advanced college degree in the specific field."

Page 103, line 7, remove "Activity" or "activities" means, in a corporation organized under this chapter, the"

Page 103, remove lines 8 and 9

Page 103, line 10, remove "2."

Page 103, line 15, remove the overstrike over "2." and remove "3."

Page 103, line 26, remove the overstrike over "3." and remove "4."

Page 104, line 4, replace "5." with "4."

Page 104, line 5, replace "6." with "5."

Page 104, line 6, replace "7." with "6."

Page 104, line 8, replace "8." with "7."

Page 104, line 10, replace "9." with "8."

Page 104, line 11, replace "10." with "9."

Page 104, line 13, replace "11." with "10."

Page 104, line 15, replace "12." with "11."

Page 104, line 21, replace "13." with "12."

Page 104, line 23, replace "14." with "13."

Page 104, line 26, replace "15." with "14."

Page 105, line 12, replace "16." with "15."

Page 105, line 15, replace "17." with "16."

Page 105, line 18, replace "18." with "17."

Page 105, line 19, replace "19." with "18."

Page 105, line 28, replace "20." with "19."

Page 106, line 1, replace "21." with "20."

Page 106, line 4, replace "22." with "21."

Page 106, line 8, replace "23." with "22."

Page 106, line 10, replace "24." with "23."

Page 106, line 12, replace "25." with "24."

Page 106, line 16, replace "26." with "25."

Page 107, line 31, replace "27." with "26."

Page 108, line 4, replace "28." with "27."

Page 108, line 9, replace "29." with "28."

Page 108, line 14, replace "30." with "29."

Page 108, line 16, replace "31." with "30."

Page 108, line 18, replace "32." with "31."

Page 108, line 28, replace "33." with "32."

Page 109, line 1, replace "34." with "33."

Page 109, line 19, replace "35." with "34."

Page 109, line 28, replace "36." with "35."

Page 109, line 30, replace "37." with "36."

Page 109, line 31, replace "38." with "37."

Page 125, line 10, replace ", and the attorney general is entitled to an award of" with ". The court may award the attorney general"

Page 126, line 4, replace "26" with "25"

Page 131, line 15, replace "34" with "33"

Page 141, line 9, after "corporation" insert "or limited liability company" and overstrike "corporate"

Page 141, line 12, after "incorporation" insert ", articles of organization,"

Page 145, line 24, replace "dissolution" with "termination"

Page 147, line 8, replace "All" with "Except for annual reports, all"

Page 147, line 25, replace "managing" with "general"

Page 149, line 16, replace the second "of" with "or"

Page 150, line 10, remove "liability"

Page 162, line 24, after "notice" insert "to"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1402: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1402 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "may" with "shall"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1403: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1403 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "or surplus"

Page 1, line 7, overstrike "and" and insert immediately thereafter ", all right of way must be reclaimed. If"

Page 1, line 9, overstrike "property must first be offered for public purposes" and insert immediately thereafter "present owner or operator of the fixed assets located on the property must be given the first option to purchase, lease, exchange, or otherwise acquire the property described in the lease. Adjoining landowners must be given the next option to acquire adjoining railroad property. The sale price of abandoned railroad property cannot exceed comparable values of adjacent and similar property"

Page 1, line 10, overstrike "If right-of-way property along abandoned rail lines is first offered for public"

Page 1, overstrike lines 11 through 15

Page 1, line 16, overstrike "3."

Page 1, remove lines 21 through 23

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1454: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1454 was placed on the Sixth order on the calendar.

Page 2, line 29, replace "billed" with "directly paid"

Page 2, line 30, replace "to" with "by" and replace the second "in" with "after approval by the commission"

Page 2, line 31, remove "accordance with subsection 6 of section 49-02-02"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1456: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1456 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "public service commission" with "state highway trust fund"

Page 1, line 6, remove "The public service"

Page 1, remove lines 7 through 12

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1478: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1478 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 3, line 26, replace "If the financial institution has provided the customer with a clear notice of the" with "A disclosure of customer information under section 502(e) of the federal Financial Services Modernization Act of 1999 [Pub. L. 106-102; 113 Stat. 1436;



15 U.S.C. 6802(e)]. A disclosure under this subsection must comply with the rules adopted under section 4 of this Act."

Page 3, remove lines 27 through 31

Page 4, remove lines 1 through 8

Page 4, after line 15, insert:

**"SECTION 4.** A new section to chapter 6-08.1 of the North Dakota Century Code is created and enacted as follows:

Rules. The state banking board and the state credit union board shall adopt rules to implement subsection 12 of section 6-08.1-02. The rules must provide at least as much customer protection as would be provided in the case of disclosure of information under circumstances where there has been an opt-out election under title V of the federal Financial Services Modernization Act of 1999 [Pub. L. 106-102; 113 Stat. 1436]."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1486: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1486 was placed on the Sixth order on the calendar.

Page 2, line 14, replace "forward" with "use"

Page 2, line 15, replace "to support not" with "solely for the purposes of contracting for market maintenance and development services, utilization research, transportation research, education, and other related activities, with no"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1487: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1487 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1488: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1488 was placed on the Sixth order on the calendar.

Page 1, line 7, after the period insert "This section does not apply to funds appropriated to the department of transportation."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1490: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1490 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and after the second "and" insert "subsection 1 of section"

Page 4, line 12, replace "Section" with "Subsection 1 of section"

Page 4, remove lines 14 and 15

Page 4, remove lines 21 through 31

Page 5, remove lines 1 through 20

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1493: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1493 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "All gasoline having" with "Any establishment that has more than one pump at which fuel for use in motor vehicles is offered for sale at retail must offer for sale from at least one pump gasoline that has"

Page 1, line 8, replace "offered for sale at retail in this state must be" with "which is"

Page 1, line 10, replace "2005" with "2004"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1503: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1503 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3026: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3026 was placed on the Tenth order on the calendar.

Page 1, line 7, replace "30" with "40"

Page 1, line 13, after the second "the" insert "estimated expansion" and replace "10.5" with "40 to 50"

Page 1, line 14, replace "4" with "17"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3034: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3034 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3036, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HCR 3036 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3037: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3039: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (8 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HCR 3039 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3040: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HCR 3040 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3041: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HCR 3041 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "Missouri River" with "Northwestern"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3045: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3045 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3048: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HCR 3048 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3050: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HCR 3050 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3051: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HCR 3051 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "in the state," with "associated with and"

Page 1, line 19, replace "in the state," with "associated with and"

Renumber accordingly

**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, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, February 18, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

