

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, March 29, 2005

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Krebsbach.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Espgaard, Chairman)** has carefully examined the Journal of the Fifty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1039, after line 12, insert:

**"STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1004 - State Auditor - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$6,516,686	\$6,626,589	(\$6,864)	\$6,619,725
Operating expenses	776,295	876,295		876,295
Capital assets	<u>10,000</u>	<u>10,000</u>		<u>10,000</u>
Total all funds	\$7,302,981	\$7,512,884	(\$6,864)	\$7,506,020
Less estimated income	<u>2,426,990</u>	<u>2,419,889</u>	<u>(2,122)</u>	<u>2,417,767</u>
General fund	\$4,875,991	\$5,092,995	(\$4,742)	\$5,088,253
FTE	55.00	55.00	0.00	55.00

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$6,864)	(\$6,864)
Operating expenses		
Capital assets		
Total all funds	(\$6,864)	(\$6,864)
Less estimated income	<u>(2,122)</u>	<u>(2,122)</u>
General fund	(\$4,742)	(\$4,742)
FTE	0.00	0.00

<sup>1</sup> This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month."

Page 1064, line 14, replace "5" with "4" and replace the first "0" with "1"

**SEN. ESPEGARD MOVED** that the report be adopted, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2190 as printed on SJ page 927 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2190: Sens. Espegard, Nething, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to SB 2111 as printed on SJ page 928 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2111: Sens. Espegard, Nething, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2174 as printed on SJ page 771 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2174: Sens. Krebsbach, Mutch, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to SB 2187 as printed on SJ page 785 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2187: Sens. Krebsbach, Nething, Fairfield.

**MOTION**

**SEN. CHRISTMANN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1028, HB 1188, HB 1209, HB 1314, HB 1347, HB 1438, HB 1453, and HCR 3048.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on Engrossed HB 1028: Sens. Nething, Klein, Fairfield.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on HB 1188: Sens. Klein, Krebsbach, Fairfield.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on HB 1209: Sens. Cook, Wardner, Every.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on Engrossed HB 1314: Sens. Krebsbach, Mutch, Heitkamp.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on Engrossed HB 1347: Sens. Espegard, Klein, Heitkamp.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on Engrossed HB 1438: Sens. Cook, Dever, Triplett.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on Engrossed HB 1453: Sens. Syverson, Krebsbach, Nelson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on Engrossed HCR 3048: Sens. Flakoll, G. Lee, Taylor.

**MOTION**

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

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

**SECOND READING OF HOUSE BILL**

**HB 1408:** A BILL for an Act to provide an appropriation to the department of corrections and rehabilitation for a pilot project for an alternative care program for adults with substance abuse issues; and to provide for a report to the legislative assembly.

**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 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Fairfield; Nelson; Triplett; Warner

Engrossed HB 1408, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1421 and HB 1337 be placed at the top of the Sixth order, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1421: SEN. FAIRFIELD (Political Subdivisions Committee) MOVED** that the amendments on SJ pages 1059-1063 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1421:** A BILL for an Act to amend and reenact sections 28-32-10 and 28-32-12, subsection 2 of section 28-32-15, and sections 28-32-18 and 28-32-19 of the North Dakota Century Code, relating to the effective date, rulemaking notice, period for comments, review, and publication of administrative rules; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

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**CONSIDERATION OF AMENDMENTS**

**HB 1337: SEN. G. LEE (Political Subdivisions Committee) MOVED** that the amendments on SJ pages 1058-1059 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1337:** A BILL for an Act to amend and reenact subsection 2 of section 28-32-10 of the North Dakota Century Code, relating to notice of administrative agency rulemaking to members of the legislative assembly who were sponsors of legislation to be implemented by the rules; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1337, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1468:** A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to administrative rules committee review of existing administrative rules.

**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 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Fischer; Grindberg; Klein; Krebsbach; Lyson; Mutch; Nething; Schobinger; Thane; Tollefson; Trenbeath

**NAYS:** Bercier; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Flakoll; Freborg; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Kringstad; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Syverson; Tallackson; Taylor; Traynor; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Stenehjem

HB 1468 lost.

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**CONSIDERATION OF AMENDMENTS**

**HB 1001, as engrossed: SEN. TALLACKSON (Appropriations Committee) MOVED** that the amendments on SJ pages 1036-1037 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to provide a continuing appropriation; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

**MOTION**

**SEN. MATHERN MOVED** that Engrossed HB 1001, as amended, be amended as follows:

In lieu of the amendments adopted by the Senate as printed on pages 1036-1037 of the Senate Journal, Engrossed House Bill No. 1001 is amended as follows:

Page 2, line 1, replace "178,703" with "275,118"

Page 2, line 7, replace "1,949,836" with "2,046,521"

Page 2, line 9, replace "169,836" with "266,251"

Page 2, line 16, replace "2,188,553" with "2,284,968"

Page 2, line 21, replace "5,061,722" with "5,158,137"

Page 2, line 23, replace "2,501,722" with "2,598,137"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1001 - Governor's Office - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,277,603	\$2,188,553	\$96,415	\$2,284,968
Operating expenses	352,369	352,369		352,369
Grants	2,500,000	2,500,000		2,500,000
Contingencies	10,000	10,000		10,000
Roughrider Awards	<u>10,800</u>	<u>10,800</u>		<u>10,800</u>
Total all funds	\$5,150,772	\$5,061,722	\$96,415	\$5,158,137
Less estimated income	<u>2,560,000</u>	<u>2,560,000</u>		<u>2,560,000</u>
General fund	\$2,590,772	\$2,501,722	\$96,415	\$2,598,137
FTE	18.00	18.00	0.00	18.00

**Dept. 101 - Governor's Office - Detail of Senate Changes**

	ADJUSTS COMPENSATION TO 4/4	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	RESTORES FUNDING FOR SENIOR ADVISOR <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$18,647	(\$2,122)	\$79,890	\$96,415
Operating expenses				
Grants				
Contingencies				
Roughrider Awards				
Total all funds	\$18,647	(\$2,122)	\$79,890	\$96,415
Less estimated income				
General fund	\$18,647	(\$2,122)	\$79,890	\$96,415
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Restores funding removed by the House for a senior policy advisor.

**REQUEST**

**SEN. KRAUTER REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1001, as amended, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to Engrossed HB 1001, as amended, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

The proposed amendments to Engrossed HB 1001, as amended, failed.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1001, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1002, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 1037-1038 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide an exemption; to define matching requirements for the Help America Vote Act; to amend and reenact sections 54-09-05 and 54-09-08 of the North Dakota Century Code, relating to the salary of the secretary of state and the secretary of state's general services operating fund; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1002, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**HB 1004, as engrossed: SEN. KILZER (Appropriations Committee) MOVED** that the amendments on SJ pages 1038-1039 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

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**CONSIDERATION OF AMENDMENTS**

**HB 1005, as engrossed: SEN. MATHERN (Appropriations Committee) MOVED** that the amendments on SJ page 1039 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer;

Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1005, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1007, as engrossed: SEN. KRINGSTAD (Appropriations Committee) MOVED** that the amendments on SJ page 1040 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** O'Connell

Engrossed HB 1007, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1011, as engrossed: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ pages 1040-1041 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1011, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1014, as engrossed: SEN. KILZER (Appropriations Committee) MOVED** that the amendments on SJ pages 1041-1042 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy; and to provide a statement of legislative intent.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1014, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1017, as engrossed: SEN. THANE (Appropriations Committee) MOVED** that the amendments on SJ pages 1042-1043 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; to provide an exemption to section 54-44.1-11 of the North Dakota Century Code, relating to unexpended appropriations; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1017, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1019, as engrossed: SEN. ANDRIST (Appropriations Committee) MOVED** that the amendments on SJ pages 1043-1044 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1019, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1020, as engrossed: SEN. ANDRIST (Appropriations Committee) MOVED** that the amendments on SJ pages 1044-1046 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.



**SECOND READING OF HOUSE BILL**

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman

Engrossed HB 1020, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

**CONSIDERATION OF AMENDMENTS**

**HB 1235, as engrossed and amended: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ page 1051 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1235:** A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code, relating to which offenders are subject to DNA testing.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Nelson; O'Connell; Triplett

Engrossed HB 1235, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1022, as engrossed: SEN. THANE (Appropriations Committee) MOVED** that the amendments on SJ page 1047 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nelson;

Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Mathern

Engrossed HB 1022, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1023, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ pages 1047-1049 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; and to amend and reenact sections 54-44.1-11 and 54-44.3-12.1 of the North Dakota Century Code, relating to the cancellation of unexpended appropriations and revisions to compensation plans under the central personnel system.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

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#### CONSIDERATION OF AMENDMENTS

**HB 1311, as amended: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ page 1056 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1311:** A BILL for an Act to amend and reenact section 37 of chapter 667 of the 2003 Session Laws, relating to contingent payments; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1311, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**SEN. CHRISTMANN MOVED** that HCR 3056 be placed at the top of the Sixth order, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HCR 3056: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 1067 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3056:** A concurrent resolution urging the President and Congress to reform and strengthen the Social Security system in order to ensure its viability for future generations.

**REQUEST**

**SEN. NELSON REQUESTED** a recorded roll call vote on the final passage of HCR 3056, as amended, which request was granted.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nothing; Schobinger; Stenehjelm; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Taylor; Triplett; Warner

HCR 3056, as amended, was declared adopted, and the title was agreed to on a roll call vote.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2111, SB 2174, SB 2187, and SB 2190 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2111:** Sens. Espegard; Nothing; Heitkamp

**SB 2174:** Sens. Krebsbach; Mutch; Heitkamp

**SB 2187:** Sens. Krebsbach; Nothing; Fairfield

**SB 2190:** Sens. Espegard; Nothing; Heitkamp

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1028:** Sens. Nothing; Klein; Fairfield

**HB 1188:** Sens. Klein; Krebsbach; Fairfield

**HB 1209:** Sens. Cook; Wardner; Every

**HB 1314:** Sens. Krebsbach; Mutch; Heitkamp

**HB 1347:** Sens. Espegard; Klein; Heitkamp

**HB 1438:** Sens. Cook; Dever; Triplett

**HB 1453:** Sens. Syverson; Krebsbach; Nelson

**HCR3048:** Sens. Flakoll; G. Lee; Taylor

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1001, HB 1004, HB 1005, HB 1007, HB 1011, HB 1014, HB 1019, HB 1337, HB 1408, HB 1421.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1022, HB 1023, HB 1235, HCR 3056.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1002, HB 1017, HB 1020.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1311.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1468.

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

**MR. SPEAKER:** The President has signed: HB 1065, HB 1169, HCR 3023, HCR 3027, HCR 3029.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1148, HB 1248, HB 1284, and HB 1359 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1148:** Reps. Porter; Price; Potter

**HB 1248:** Reps. Weisz; Nelson; Sandvig

**HB 1284:** Reps. Klemin; Koppelman; Zaiser

**HB 1359:** Reps. Porter; Nelson; Kaldor

**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: HCR 3058.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4012.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2005, SB 2010, SB 2011, SB 2368, SB 2372, SB 2384, SCR 4030.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2005**

Page 1, line 14, replace "26,633" with "26,259"

Page 1, line 16, replace "49,596" with "49,222"

Page 1, line 18, replace "29,596" with "29,222"

Page 2, line 1, replace "340,944" with "340,570"

Page 2, line 3, replace "404,839" with "404,465"

Page 2, line 5, replace "384,839" with "384,465"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2005 - Indian Affairs Commission - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$342,333	\$340,944	(\$374)	\$340,570
Operating expenses	<u>63,895</u>	<u>63,895</u>		<u>63,895</u>
Total all funds	\$406,228	\$404,839	(\$374)	\$404,465
Less estimated income	<u>20,000</u>	<u>20,000</u>		<u>20,000</u>
General fund	\$386,228	\$384,839	(\$374)	\$384,465
FTE	3.00	3.00	0.00	3.00

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$374)	(\$374)
Operating expenses		
Total all funds	(\$374)	(\$374)
Less estimated income		
General fund	(\$374)	(\$374)
FTE	0.00	0.00

<sup>1</sup> This amendment reduces the funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.

### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2010

Page 1, line 3, replace "sections 21-10-06," with "section" and remove ", and 54-54-08.2"

Page 1, line 4, remove "funds under the management of the state investment board,"

Page 1, line 5, remove ", and to the cultural endowment fund"

Page 1, line 21, replace "26,808" with "26,184"

Page 1, line 23, replace "90,400" with "60,400"

Page 2, line 1, replace "68,301" with "37,677"

Page 2, line 3, replace "\$22,198" with "(\$8,426)"

Page 2, line 9, replace "452,376" with "451,752"

Page 2, line 11, replace "1,506,257" with "1,476,257"

Page 2, line 13, replace "2,294,919" with "2,264,295"

Page 2, line 15, replace "1,026,601" with "995,977"

Page 2, remove lines 19 through 31

Page 3, remove lines 1 through 11

Page 3, remove lines 19 through 31

Page 4, remove lines 1 and 2

ReNUMBER accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2010 - Council on the Arts - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$454,197	\$452,376	(\$624)	\$451,752
Operating expenses	227,986	227,986		227,986
Grants	1,506,257	1,506,257	(30,000)	1,476,257
Lewis and Clark Bicentennial	<u>108,300</u>	<u>108,300</u>		<u>108,300</u>
Total all funds	\$2,296,740	\$2,294,919	(\$30,624)	\$2,264,295
Less estimated income	<u>1,268,318</u>	<u>1,268,318</u>		<u>1,268,318</u>
General fund	\$1,028,422	\$1,026,601	(\$30,624)	\$995,977
FTE	5.00	5.00	0.00	5.00

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	REDUCES FUNDING FOR GRANTS <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$624)		(\$624)
Operating expenses			
Grants		(\$30,000)	(30,000)
Lewis and Clark Bicentennial			
Total all funds	(\$624)	(\$30,000)	(\$30,624)
Less estimated income			
General fund	(\$624)	(\$30,000)	(\$30,624)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding in the grants line item by a total of \$30,000 from the general fund by reducing funding for the cultural endowment fund by \$10,000 from \$20,000 to \$10,000 and by reducing funding for the new grant program to support infrastructure and capital equipment needs of local art organizations by \$20,000 from \$30,000 to \$10,000.

This amendment also removes two sections from the bill relating to funds under the management of the State Investment Board and the cultural endowment fund.

### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2011

Page 1, line 16, replace "106,028" with "103,906"

Page 1, line 17, replace "426,648" with "606,680"

Page 1, line 18, replace "38,843" with "38,219"

Page 1, line 19, replace "571,519" with "748,805"

Page 1, line 20, replace "(739,628)" with "(747,802)"

Page 1, line 21, replace "1,311,147" with "1,496,607"

Page 2, line 3, replace "2,347,462" with "2,345,340"

Page 2, line 4, replace "30,861,479" with "31,041,511"

Page 2, line 5, replace "1,055,187" with "1,054,563"

Page 2, line 6, replace "34,264,128" with "34,441,414"

Page 2, line 7, replace "14,741,459" with "14,733,285"

Page 2, line 8, replace "19,522,669" with "19,708,129"

Page 2, line 10, replace "\$7,521,970" with "\$7,516,175"

ReNUMBER accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2011 - Highway Patrol - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Administration	\$2,355,742	\$2,347,462	(\$2,122)	\$2,345,340
Field operations	30,946,277	30,861,479	180,032	31,041,511
Law Enforcement Training Academy	1,057,609	1,055,187	(624)	1,054,563
Total all funds	\$34,359,628	\$34,264,128	\$177,286	\$34,441,414
Less estimated income	<u>14,554,138</u>	<u>14,741,459</u>	<u>(8,174)</u>	<u>14,733,285</u>
General fund	\$19,805,490	\$19,522,669	\$185,460	\$19,708,129
FTE	186.00	187.00	0.00	187.00

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	ADDS SALARY EQUITY FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Administration	(\$2,122)		(\$2,122)
Field operations	(19,968)	\$200,000	180,032
Law Enforcement Training Academy	(624)		(624)
Total all funds	(\$22,714)	\$200,000	\$177,286
Less estimated income	<u>(8,174)</u>		<u>(8,174)</u>
General fund	(\$14,540)	\$200,000	\$185,460
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment adds \$200,000 from the general fund for providing salary equity adjustments for troopers and sergeants. In addition, the Highway Patrol may spend up to \$219,000 of savings from within its 2005-07 biennium budget for providing additional salary equity adjustments for troopers and sergeants.

### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2368

Page 1, line 2, remove "nonprofit"

Page 1, replace lines 6 through 24 with:

**"Public or nonprofit organization number plate.**

1. The director shall develop an organization number plate program for distinctive number plates for qualifying public and for nonprofit organizations recognized by the internal revenue service as tax exempt under 26 U.S.C. 501(c)(3). When appropriate, the department shall design a distinctive number plate to minimize the changes to a single application of overlay on the left side of the number plate. The organization may submit a design for the distinctive number plate for approval by the director. Upon approval by the director and proper application with proof of a minimum of four hundred applicants for a certain organization's number plate, the director shall include the number plate in the organization number plate program.
2. The following organizations do not qualify for an organization number plate: out-of-state colleges and universities; unions; political organizations; religious organizations; groups that promote racial or social disharmony; and public offices.
3. Upon proper application for a plate in the organization number plate program and payment of all other fees required under this chapter for registration of the motor vehicle and payment of an additional annual fee of twenty-five dollars, a qualified applicant is entitled to issuance of a certain organization number plate. However, the director may not issue the plates to the owner of a passenger motor vehicle or a truck the gross weight of which equals or exceeds ten thousand pounds [4535.92 kilograms].
4. The director shall deposit ten dollars of the additional organization number plate fee in the highway tax distribution fund and transfer monthly fifteen dollars to the proper organization to support programs of that organization."

Page 2, remove lines 1 through 12

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2372**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to efforts to discourage alcohol and drug abuse and tobacco use.

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

**LEGISLATIVE COUNCIL COORDINATION OF EFFORTS TO DISCOURAGE DESTRUCTIVE BEHAVIOR STUDY.** The legislative council shall consider studying, during the 2005-06 interim, the feasibility and desirability of establishing an organization to support and coordinate federal, tribal, state, including institutions of higher education, and local government and private efforts to discourage destructive behavior, including alcohol and drug abuse and tobacco use. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2384**

Page 1, line 1, after "53-06.1-06" insert "and section 53-06.1-10.1"

Page 1, line 2, after "to" insert "raffles and"

Page 1, after line 13, insert:

**"SECTION 2. AMENDMENT.** Section 53-06.1-10.1 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-10.1. Raffles.** A prize for a raffle may be cash or merchandise but may not be real estate. No single cash prize may exceed one thousand dollars and the total cash prizes in one day may not exceed three thousand dollars. However, on not more

than one occasion per year a licensed organization may, at the request of a winning player, exchange a merchandise prize valued at not more than twenty-five thousand dollars for a cash prize."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION 4030**

Page 1, line 10, replace "continue" with "need"

Page 1, line 11, after "institutionalization" insert "and alternative care"

Page 1, remove lines 12 and 13

Page 1, line 14, remove "transitioning from" and replace "to" with ", as well as"

Page 1, line 15, after "services" insert a comma

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause failed: SB 2012, SB 2227.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012**

Page 1, line 2, after the semicolon insert "to provide for alternative and delayed distributions from the highway tax distribution fund to cities and counties and development of a roadway plan;", replace the second "and" with a comma, and after "24-08" insert ", and a new section to chapter 57-40.3"

Page 1, line 4, replace the first "and" with a comma, replace "medal of honor" with "liberty memorial", and after "bridge" insert ", and a separate and additional motor vehicle excise tax"

Page 1, line 5, replace "section" with "sections" and after "24-01-03" insert ", 24-01-51, 39-04-19, 57-40.3-02, 57-40.3-10, 57-43.1-02, and 57-43.2-02"

Page 1, line 6, after "maintenance" insert ", haying of no-mow areas, motor vehicle registration fees, allocation of the separate and additional motor vehicle excise tax revenue, and motor vehicle fuels and special fuels tax rates; to repeal section 39-04-39.5 of the North Dakota Century Code, relating to allocation of motor vehicle registration fees; to provide an effective date; to provide an expiration date"

Page 1, line 24, replace "27,185,848" with "27,174,242"

Page 2, line 1, replace "20,048,706" with "20,035,352"

Page 2, line 2, replace "789,997,698" with "863,094,411"

Page 2, line 3, replace "43,271,158" with "43,268,038"

Page 2, line 4, replace "96,117,492" with "169,186,125"

Page 2, line 10, replace "27,185,848" with "27,174,242"

Page 2, line 11, replace "20,048,706" with "20,035,352"

Page 2, line 12, replace "789,997,698" with "863,094,411"

Page 2, line 13, replace "43,271,158" with "43,268,038"

Page 2, line 14, replace "880,503,410" with "953,572,043"

Page 2, after line 21, insert:

**"SECTION 5. ALTERNATIVE AND DELAYED DISTRIBUTIONS FROM HIGHWAY TAX DISTRIBUTION FUND - CITY AND COUNTY ROADWAY PLAN.**

Notwithstanding section 54-27-19, the state treasurer shall transfer \$1,000,000 to the highway fund during the fiscal year beginning July 1, 2005, and ending June 30, 2006, from the cities' and counties' share of the additional funds deposited in the highway tax distribution fund resulting from provisions of this Act. The state treasurer may not



distribute any additional funds deposited into the highway tax distribution fund resulting from provisions of this Act to cities or counties before July 1, 2006, and until the department of transportation certifies to the state treasurer that the cities and counties have developed a roadway plan that is acceptable to the department and that the plan:

1. Identifies a prioritized roadway system that designates tiered levels of roadways and corresponding levels of service;
2. Focuses on high-priority corridors;
3. Is consistent with the department's highway performance classification system and other criteria developed by the department; and
4. Is the result of a cooperative effort of the department, cities, and counties."

Page 2, line 28, replace "the maintenance" with "maintaining the structural integrity"

Page 2, line 29, after "state" insert "unless an agreement is reached with the municipality"

Page 3, after line 10, insert:

**"SECTION 7. AMENDMENT.** Section 24-01-51 of the North Dakota Century Code is amended and reenacted as follows:

**24-01-51. (Effective January 1, ~~2006~~ 2008) Haying of no-mow areas.**

Notwithstanding any other provision of law, a person owning land adjacent to an area within the right of way of a highway which is designated as a no-mow or managed-mow area may hay the no-mow or managed-mow area after July fifteenth without any payment or penalty."

Page 3, line 14, after "needed" insert "for the liberty memorial bridge improvement project and the United States highway 2 project improvements"

Page 4, line 9, replace "Medal of honor" with "Liberty memorial"

Page 4, line 10, replace "medal of honor" with "liberty memorial"

Page 4, after line 11, insert:

**"SECTION 10. AMENDMENT.** Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-19. Motor vehicle registration fees and mile tax.** Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	<del>\$60</del> <u>\$70</u>	<del>\$52</del> <u>\$62</u>	<del>\$44</del> <u>\$54</u>	<del>\$36</del> <u>\$46</u>
3,200 - 4,499	<del>80</del> <u>90</u>	<del>68</del> <u>78</u>	<del>56</del> <u>66</u>	<del>44</del> <u>54</u>
4,500 - 4,999	<del>98</del> <u>108</u>	<del>84</del> <u>94</u>	<del>66</del> <u>76</u>	<del>50</del> <u>60</u>
5,000 - 5,999	<del>129</del> <u>139</u>	<del>107</del> <u>117</u>	<del>85</del> <u>95</u>	<del>63</del> <u>73</u>
6,000 - 6,999	<del>162</del> <u>172</u>	<del>133</del> <u>143</u>	<del>104</del> <u>114</u>	<del>76</del> <u>86</u>
7,000 - 7,999	<del>195</del> <u>205</u>	<del>159</del> <u>169</u>	<del>124</del> <u>134</u>	<del>89</del> <u>99</u>

8,000 - 8,999	<del>228</del> 238	<del>486</del> 196	<del>444</del> 154	<del>402</del> 112
9,000 and over	<del>264</del> <u>271</u>	<del>242</del> <u>222</u>	<del>464</del> <u>174</u>	<del>446</del> <u>125</u>

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

Gross Weights	YEARS REGISTERED				
	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	<del>\$58</del> <u>\$68</u>	<del>\$45</del> <u>\$55</u>	<del>\$40</del> <u>\$50</u>	<del>\$37</del> <u>\$47</u>	<del>\$36</del> <u>\$46</u>
4,001 - 6,000	<del>63</del> <u>73</u>	<del>50</del> <u>60</u>	<del>44</del> <u>54</u>	<del>38</del> <u>48</u>	<del>37</del> <u>47</u>
6,001 - 8,000	<del>68</del> <u>78</u>	<del>55</del> <u>65</u>	<del>48</del> <u>58</u>	<del>39</del> <u>49</u>	<del>38</del> <u>48</u>
8,001 - 10,000	<del>73</del> <u>83</u>	<del>60</del> <u>70</u>	<del>52</del> <u>62</u>	<del>41</del> <u>51</u>	<del>40</del> <u>50</u>
10,001 - 12,000	<del>78</del> <u>88</u>	<del>65</del> <u>75</u>	<del>56</del> <u>66</u>	<del>43</del> <u>53</u>	<del>42</del> <u>52</u>
12,001 - 14,000	<del>83</del> <u>93</u>	<del>70</del> <u>80</u>	<del>60</del> <u>70</u>	<del>46</del> <u>56</u>	<del>45</del> <u>55</u>
14,001 - 16,000	<del>88</del> <u>98</u>	<del>75</del> <u>85</u>	<del>64</del> <u>74</u>	<del>49</del> <u>59</u>	<del>48</del> <u>58</u>
16,001 - 18,000	<del>93</del> <u>103</u>	<del>80</del> <u>90</u>	<del>68</del> <u>78</u>	<del>51</del> <u>61</u>	<del>50</del> <u>60</u>
18,001 - 20,000	<del>96</del> <u>106</u>	<del>83</del> <u>93</u>	<del>70</del> <u>80</u>	<del>52</del> <u>62</u>	<del>51</del> <u>61</u>

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	<del>\$126</del> <u>\$136</u>	<del>\$100</del> <u>\$110</u>	<del>\$87</del> <u>\$97</u>
22,001 - 26,000	<del>478</del> <u>188</u>	<del>448</del> <u>158</u>	<del>432</del> <u>142</u>
26,001 - 30,000	<del>239</del> <u>249</u>	<del>497</del> <u>207</u>	<del>476</del> <u>185</u>
30,001 - 34,000	<del>305</del> <u>315</u>	<del>250</del> <u>260</u>	<del>222</del> <u>232</u>
34,001 - 38,000	<del>366</del> <u>376</u>	<del>299</del> <u>309</u>	<del>265</del> <u>275</u>
38,001 - 42,000	<del>427</del> <u>437</u>	<del>348</del> <u>358</u>	<del>307</del> <u>317</u>
42,001 - 46,000	<del>488</del> <u>498</u>	<del>396</del> <u>406</u>	<del>350</del> <u>360</u>
46,001 - 50,000	<del>549</del> <u>559</u>	<del>445</del> <u>455</u>	<del>393</del> <u>403</u>
50,001 - 54,000	<del>619</del> <u>629</u>	<del>503</del> <u>513</u>	<del>444</del> <u>454</u>
54,001 - 58,000	<del>680</del> <u>690</u>	<del>552</del> <u>562</u>	<del>487</del> <u>497</u>
58,001 - 62,000	<del>742</del> <u>752</u>	<del>604</del> <u>611</u>	<del>530</del> <u>540</u>
62,001 - 66,000	<del>802</del> <u>812</u>	<del>649</del> <u>659</u>	<del>573</del> <u>583</u>
66,001 - 70,000	<del>863</del> <u>873</u>	<del>698</del> <u>708</u>	<del>615</del> <u>625</u>
70,001 - 74,000	<del>924</del> <u>934</u>	<del>747</del> <u>757</u>	<del>658</del> <u>668</u>
74,001 - 78,000	<del>985</del> <u>995</u>	<del>796</del> <u>806</u>	<del>701</del> <u>711</u>
78,001 - 82,000	<del>1,046</del> <u>1,056</u>	<del>845</del> <u>855</u>	<del>744</del> <u>754</u>
82,001 - 86,000	<del>1,169</del> <u>1,179</u>	<del>950</del> <u>960</u>	<del>831</del> <u>841</u>
86,001 - 90,000	<del>1,291</del> <u>1,301</u>	<del>1,054</del> <u>1,064</u>	<del>918</del> <u>928</u>
90,001 - 94,000	<del>1,413</del> <u>1,423</u>	<del>1,159</del> <u>1,169</u>	<del>1,005</del> <u>1,015</u>
94,001 - 98,000	<del>1,535</del> <u>1,545</u>	<del>1,264</del> <u>1,274</u>	<del>1,093</del> <u>1,103</u>
98,001 - 102,000	<del>1,657</del> <u>1,667</u>	<del>1,368</del> <u>1,378</u>	<del>1,180</del> <u>1,190</u>
102,001 - 105,500	<del>1,779</del> <u>1,789</u>	<del>1,473</del> <u>1,483</u>	<del>1,267</del> <u>1,277</u>

- c. Motorcycles, fifteen dollars.

- Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
- Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not

required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.

5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001 - 22,000	<del>\$98</del> <u>\$108</u>	<del>\$84</del> <u>\$94</u>	<del>\$70</del> <u>\$80</u>	<del>\$52</del> <u>\$62</u>
22,001 - 24,000	<del>403</del> <u>113</u>	<del>88</del> <u>98</u>	<del>73</del> <u>83</u>	<del>54</del> <u>64</u>
24,001 - 26,000	<del>444</del> <u>121</u>	<del>94</del> <u>104</u>	<del>77</del> <u>87</u>	<del>56</del> <u>66</u>
26,001 - 28,000	<del>422</del> <u>132</u>	<del>402</del> <u>112</u>	<del>83</del> <u>93</u>	<del>60</del> <u>70</u>
28,001 - 30,000	<del>434</del> <u>141</u>	<del>440</del> <u>120</u>	<del>89</del> <u>99</u>	<del>64</del> <u>74</u>
30,001 - 32,000	<del>446</del> <u>156</u>	<del>423</del> <u>133</u>	<del>400</del> <u>110</u>	<del>73</del> <u>83</u>
32,001 - 34,000	<del>456</del> <u>166</u>	<del>434</del> <u>141</u>	<del>406</del> <u>116</u>	<del>77</del> <u>87</u>
34,001 - 36,000	<del>466</del> <u>176</u>	<del>439</del> <u>149</u>	<del>412</del> <u>122</u>	<del>84</del> <u>91</u>
36,001 - 38,000	<del>476</del> <u>186</u>	<del>447</del> <u>157</u>	<del>418</del> <u>128</u>	<del>85</del> <u>95</u>
38,001 - 40,000	<del>486</del> <u>196</u>	<del>455</del> <u>165</u>	<del>424</del> <u>134</u>	<del>89</del> <u>99</u>
40,001 - 42,000	<del>496</del> <u>206</u>	<del>463</del> <u>173</u>	<del>430</del> <u>140</u>	<del>93</del> <u>103</u>
42,001 - 44,000	<del>206</del> <u>216</u>	<del>474</del> <u>181</u>	<del>436</del> <u>146</u>	<del>97</del> <u>107</u>
44,001 - 46,000	<del>246</del> <u>226</u>	<del>479</del> <u>189</u>	<del>442</del> <u>152</u>	<del>404</del> <u>111</u>
46,001 - 48,000	<del>226</del> <u>236</u>	<del>487</del> <u>197</u>	<del>448</del> <u>158</u>	<del>405</del> <u>115</u>
48,001 - 50,000	<del>236</del> <u>246</u>	<del>495</del> <u>205</u>	<del>454</del> <u>164</u>	<del>409</del> <u>119</u>
50,001 - 52,000	<del>256</del> <u>266</u>	<del>243</del> <u>223</u>	<del>470</del> <u>180</u>	<del>423</del> <u>133</u>
52,001 - 54,000	<del>266</del> <u>276</u>	<del>224</del> <u>231</u>	<del>476</del> <u>186</u>	<del>427</del> <u>137</u>
54,001 - 56,000	<del>276</del> <u>286</u>	<del>229</del> <u>239</u>	<del>482</del> <u>192</u>	<del>434</del> <u>141</u>
56,001 - 58,000	<del>286</del> <u>296</u>	<del>237</del> <u>247</u>	<del>488</del> <u>198</u>	<del>435</del> <u>145</u>
58,001 - 60,000	<del>296</del> <u>306</u>	<del>245</del> <u>255</u>	<del>494</del> <u>204</u>	<del>439</del> <u>149</u>
60,001 - 62,000	<del>306</del> <u>316</u>	<del>253</del> <u>263</u>	<del>200</del> <u>210</u>	<del>443</del> <u>153</u>
62,001 - 64,000	<del>316</del> <u>326</u>	<del>264</del> <u>271</u>	<del>206</del> <u>216</u>	<del>447</del> <u>157</u>
64,001 - 66,000	<del>326</del> <u>336</u>	<del>269</del> <u>279</u>	<del>212</del> <u>222</u>	<del>454</del> <u>161</u>
66,001 - 68,000	<del>336</del> <u>346</u>	<del>277</del> <u>287</u>	<del>218</del> <u>228</u>	<del>455</del> <u>165</u>
68,001 - 70,000	<del>346</del> <u>356</u>	<del>285</del> <u>295</u>	<del>224</del> <u>234</u>	<del>459</del> <u>169</u>
70,001 - 72,000	<del>356</del> <u>366</u>	<del>293</del> <u>303</u>	<del>230</del> <u>240</u>	<del>463</del> <u>173</u>
72,001 - 74,000	<del>366</del> <u>376</u>	<del>304</del> <u>311</u>	<del>236</del> <u>246</u>	<del>467</del> <u>177</u>
74,001 - 76,000	<del>376</del> <u>386</u>	<del>309</del> <u>319</u>	<del>242</del> <u>252</u>	<del>474</del> <u>181</u>
76,001 - 78,000	<del>386</del> <u>396</u>	<del>317</del> <u>327</u>	<del>248</del> <u>258</u>	<del>475</del> <u>185</u>
78,001 - 80,000	<del>396</del> <u>406</u>	<del>325</del> <u>335</u>	<del>254</del> <u>264</u>	<del>479</del> <u>189</u>
80,001 - 82,000	<del>406</del> <u>416</u>	<del>333</del> <u>343</u>	<del>260</del> <u>270</u>	<del>483</del> <u>193</u>
82,001 - 84,000	<del>416</del> <u>426</u>	<del>355</del> <u>365</u>	<del>303</del> <u>313</u>	<del>259</del> <u>269</u>
84,001 - 86,000	<del>436</del> <u>446</u>	<del>372</del> <u>382</u>	<del>317</del> <u>327</u>	<del>274</del> <u>281</u>
86,001 - 88,000	<del>456</del> <u>466</u>	<del>389</del> <u>399</u>	<del>334</del> <u>341</u>	<del>283</del> <u>293</u>
88,001 - 90,000	<del>476</del> <u>486</u>	<del>406</del> <u>416</u>	<del>345</del> <u>355</u>	<del>295</del> <u>305</u>
90,001 - 92,000	<del>496</del> <u>506</u>	<del>423</del> <u>433</u>	<del>359</del> <u>369</u>	<del>307</del> <u>317</u>
92,001 - 94,000	<del>516</del> <u>526</u>	<del>440</del> <u>450</u>	<del>373</del> <u>383</u>	<del>319</del> <u>329</u>
94,001 - 96,000	<del>536</del> <u>546</u>	<del>457</del> <u>467</u>	<del>387</del> <u>397</u>	<del>334</del> <u>341</u>
96,001 - 98,000	<del>556</del> <u>566</u>	<del>474</del> <u>484</u>	<del>404</del> <u>411</u>	<del>343</del> <u>353</u>

98,001 - 100,000	<del>576</del> 586	<del>494</del> 501	<del>445</del> 425	<del>355</del> 365
100,001 - 102,000	<del>596</del> 606	<del>508</del> 518	<del>429</del> 439	<del>367</del> 377
102,001 - 104,000	<del>646</del> 626	<del>525</del> 535	<del>443</del> 453	<del>379</del> 389
104,001 - 105,500	<del>636</del> 646	<del>542</del> 552	<del>457</del> 467	<del>394</del> 401

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.

7. Thirteen dollars of each registration fee collected under subsections 2 and 5 must be deposited in the state highway fund.

**SECTION 11. AMENDMENT.** Section 57-40.3-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.3-02. Tax imposed.** There is hereby imposed an excise tax at the rate of ~~five~~ four percent on the purchase price of any motor vehicle purchased or acquired either in or outside of the state of North Dakota for use on the streets and highways of this state and required to be registered under the laws of this state.

**SECTION 12.** A new section to chapter 57-40.3 of the North Dakota Century Code is created and enacted as follows:

Separate and additional motor vehicle excise tax - Transfer of revenue. In addition to the tax otherwise imposed under section 57-40.3-02, there is imposed an excise tax at the rate of one percent on the purchase price of any motor vehicle purchased or acquired in or outside this state for use on the streets and highways of this state and required to be registered under the laws of this state. The entire revenue from tax imposed under this section must be transmitted monthly by the director of the department of transportation to the state treasurer and deposited in the state highway fund and is not considered part of net collections under section 57-39.2-26.1.

**SECTION 13. AMENDMENT.** Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.3-10. Transfer of revenue.** ~~All~~ Except as otherwise provided in section 12 of this Act, all moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund.

**SECTION 14. AMENDMENT.** Section 57-43.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.1-02. Tax imposed on motor vehicle fuels.**

1. ~~Except as otherwise provided in this section, a tax of twenty-one~~ twenty-three cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state, ~~except the tax imposed is twenty-five cents per gallon [3.79 liters] on all motor vehicle fuel sold or used in this state during the period from May first through October thirty-first of each year.~~
2. A supplier or distributor shall remit the tax imposed by this section on motor vehicle fuel used, on the wholesale distribution of motor vehicle fuel to a retailer, and on direct sales of motor vehicle fuel to a consumer.
3. The tax imposed by this section does not apply on a sale by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the retailer and to the consumer. A retailer who paid the tax to the supplier or distributor shall pass the tax on to the consumer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the motor vehicle fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by

mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.

6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**SECTION 15. AMENDMENT.** Section 57-43.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.2-02. (Contingent effective date - See note - Effective through June 30, 2005) Tax imposed.**

1. Except as otherwise provided in this chapter, an excise tax of twenty-one cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel. The tax under this subsection is reduced by one and five-hundredths cents per gallon [3.79 liters] on the sale or delivery of diesel fuel that contains at least two percent biodiesel fuel by weight.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**(Effective after June 30, 2005) Tax imposed.**

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty-one~~ twenty-three cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday,

Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.

6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**SECTION 16. REPEAL.** Section 39-04-39.5 of the North Dakota Century Code is repealed.

**SECTION 17. EFFECTIVE DATE.** Sections 10, 14, and 15 of this Act are effective for registrations and taxable events occurring after June 30, 2005. Sections 11, 12, and 13 of this Act are effective for taxable events occurring after June 30, 2009. Section 16 of this Act is effective for registrations occurring after June 30, 2005."

Page 4, line 12, replace "6" with "8"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2012 - Department of Transportation - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Administration	\$27,227,294	\$27,185,848	(\$11,606)	\$27,174,242
Driver's and Vehicle Services	20,081,797	20,048,706	(13,354)	20,035,352
Highways	736,823,693	789,997,698	73,096,713	863,094,411
Fleet Services	<u>43,280,168</u>	<u>43,271,158</u>	<u>(3,120)</u>	<u>43,268,038</u>
Total all funds	\$827,412,952	\$880,503,410	\$73,068,633	\$953,572,043
Less estimated income	<u>827,412,952</u>	<u>880,503,410</u>	<u>73,068,633</u>	<u>953,572,043</u>
General fund	\$0	\$0	\$0	\$0
FTE	1044.50	1044.50	0.00	1044.50

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	ADDS FUNDING FOR ONE CALL <sup>1</sup>	ADDS HIGHWAY CONSTRUCTION FUNDS <sup>2</sup>	ADDS FUNDING FOR EMERGENCY RELIEF PROJECTS <sup>3</sup>	ADDS FUNDING FOR ROADWAY PLAN <sup>4</sup>	TOTAL HOUSE CHANGES
Administration	(\$11,606)					(\$11,606)
Driver's and Vehicle Services	(13,354)					(13,354)
Highways	(100,589)	\$168,520	\$17,900,000	\$54,128,782	\$1,000,000	73,096,713
Fleet Services	<u>(3,120)</u>					<u>(3,120)</u>
Total all funds	(\$128,669)	\$168,520	\$17,900,000	\$54,128,782	\$1,000,000	\$73,068,633
Less estimated income	<u>(128,669)</u>	<u>168,520</u>	<u>17,900,000</u>	<u>54,128,782</u>	<u>1,000,000</u>	<u>73,068,633</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> The highways line item is increased by \$168,520 from the highway fund for costs of complying with provisions of Senate Bill No. 2209 which require the department to provide data on the location of utilities on highway rights of way.

<sup>2</sup> The highways line item is increased by \$17,900,000, of which \$15,900,000 is federal funds and \$2,000,000 is from the highway fund for highway projects in anticipation of receiving \$202.3 million of federal highway construction funds in federal fiscal year 2005 and \$205 million in federal fiscal year 2006.

<sup>3</sup> The highways line item is increased by \$54,128,782, of which \$43,968,332 is federal funds, \$8,472,520 is state matching, and \$1,687,930 is from the counties for emergency relief projects on highways.

<sup>4</sup> The highways line item is increased by \$1,000,000 from funds transferred from the cities' and counties' share of the additional revenue generated by this bill for the development of a roadway plan for cities and counties. A section is added precluding the cities and counties from receiving the additional revenue resulting from provisions of this bill until they develop, in collaboration with the Department of Transportation, a roadway plan.

The section added by the Senate requiring the department to maintain bridges over navigable waters in the state that it is currently maintaining is changed to require the department to maintain the structural integrity of these bridges unless the department enters into an agreement with the municipality.

A section is added delaying the effective date from January 1, 2006, to January 1, 2008, of provisions allowing a landowner owning land next to a no-mow area to hay the no-mow or managed-mow area after July 15 without payment or penalty.

The section added by the Senate authorizing the department to issue grant anticipation revenue vehicle (GARVEE) bonds is changed to limit the authorization to only the Liberty Memorial Bridge project and the United States Highway 2 project.

The section added by the Senate naming the replacement bridge for the Liberty Memorial Bridge between Bismarck and Mandan the Medal of Honor Bridge is changed to name the replacement bridge the Liberty Memorial Bridge.

Sections are added providing additional state highway revenue beginning in the 2005-07 biennium by:

- Increasing the motor vehicle fuel (gasoline and gasohol) and special fuels (diesel) tax rate by 2 cents per gallon, from 21 to 23 cents. This revenue will be deposited in the highway tax distribution fund.
- Increasing the motor vehicle fuel (gasoline and gasohol) tax rate by an additional 2 cents per gallon, from 23 to 25 cents each year during the months of May through October. This revenue will be deposited in the highway tax distribution fund.
- Increasing annual motor vehicle registration fees by \$10. This revenue will be deposited directly in the state highway fund providing a total of \$13 of each registration fee that is deposited directly in the highway fund.

The Department of Transportation estimates these increases will generate \$41.4 million of additional revenue during the 2005-07 biennium, of which \$31 million will be deposited in the state highway fund, \$6.5 million will be distributed to counties, and \$3.9 million to cities.

Sections are added providing that effective July 1, 2009, collections from 1 percent of the current 5 percent motor vehicle excise tax will be deposited in the state highway fund rather than in the state aid distribution fund and the general fund.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2227**

Page 1, line 2, remove "and" and after "23-11-24" insert ", and 23-11-29"

Page 7, line 22, replace "under subdivision b of" with "in accordance with chapter 21-03."

Page 7, remove line 23

Page 7, line 24, replace "determine, within the authority's area of operation, that the authority dispense" with "develop a plan identifying the public purposes of the authority's ownership, conditions that would make the authority's ownership no longer necessary for accomplishing those public purposes, and a plan to divest the authority's ownership interest as soon as economically prudent once those conditions occur and to effectuate the plan."

Page 7, remove lines 25 through 30

Page 8, remove lines 1 through 5

Page 8, line 12, after the period insert "The construction of a housing project is a public improvement for which an authority is subject to the competitive bidding requirements of chapter 48-01.1."

Page 13, remove lines 11 through 20

Page 13, line 21, replace "c." with "b."

Page 13, after line 26, insert:

**"SECTION 9. AMENDMENT.** Section 23-11-29 of the North Dakota Century Code is amended and reenacted as follows:

**23-11-29. Tax exemptions and payments in lieu of taxes.** The property of an authority used for low-income housing, including an authority created under Indian laws recognized by the federal government, is declared to be public property used for essential public and governmental purposes and is exempt from all taxes and special assessments of the city, the county, the state, or any political subdivision thereof. In lieu of ~~such~~ taxes or special assessments, an authority may agree to make payments to the ~~city, county, state, or any~~ such political subdivision for improvements, services, and facilities furnished ~~thereby~~ by the state or political subdivision for the benefits of a housing project, but in no event may such. The payments may not exceed the estimated cost to ~~such city, county, or political subdivision~~ of the improvements, services, or facilities to be so furnished. Notwithstanding any other provision of law, the property of an authority used for moderate income housing is exempt from all taxes of the state or any political subdivision except special assessments unless specifically exempted from the special assessment by the political subdivision."

Renumber accordingly

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on March 29, 2005: SB 2278.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 29, 2005: SB 2058, SB 2115, SB 2138, SB 2236, SB 2239, SB 2244, SB 2248, SB 2268, SB 2288, SB 2311, SB 2346, SB 2353.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 29, 2005: SCR 4028, SCR 4029, SCR 4037, SCR 4038.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, March 30, 2005, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**HB 1042: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1042 was placed on the Sixth order on the calendar.

Page 1, line 3, after "board" insert "and state and local advisory council"

Page 1, line 7, after "**board**" insert "**and state and local advisory council**" and after the boldfaced period insert:

"1."

Page 1, line 10, after the period insert:

"2. One member of the house of representatives and one member of the senate, to be appointed by the chairman of the legislative council, shall represent the state of North Dakota on the streamlined sales tax state and local advisory council.

3."

Page 1, line 13, after "board" insert "or council"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1043, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1043 was placed on the Fourteenth order on the calendar.



**REPORT OF STANDING COMMITTEE**

**HB 1397, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 3, after "program" insert "; to provide an appropriation; and to provide for continuation of program funding"

Page 1, line 10, replace "ten" with "five"

Page 2, after line 2, insert:

**"SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the student loan trust fund, not otherwise appropriated, the sum of \$262,500, or so much of the sum as may be necessary, to the state board of higher education for the purpose of reducing the amount of tuition and other costs payable by or on behalf of eligible students enrolled in the veterinary medical education program at Kansas state university under this Act, for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 3. STATE BOARD OF HIGHER EDUCATION PLAN FOR CONTINUATION OF PROGRAM.** The state board of higher education shall develop a plan for the continuation of funding for the program established by this Act to be included in its 2007-09 biennium budget request from a funding source other than the student loan trust fund."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment changes the number of new slots eligible for the program each year from 10 to 5 and provides a \$262,500 appropriation from the student loan trust fund for reducing the amount of tuition and other related program costs.

A section is added directing the Board of Higher Education to include funding in its 2007-09 budget request to continue this program from a source of funding other than the student loan trust fund.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2129, as engrossed:** Your conference committee (Sens. J. Lee, Brown, Nelson and Reps. Froseth, L. Meier, Amerman) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 754 and place SB 2129 on the Seventh order.

Engrossed SB 2129 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2294, as engrossed:** Your conference committee (Sens. Tollefson, Wardner, Heitkamp and Reps. Nottestad, D. Johnson, S. Kelsh) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 787-788 and place SB 2294 on the Seventh order.

Engrossed SB 2294 was placed on the Seventh order of business on the calendar.

**FIRST READING OF HOUSE BILL**

**HB 1524:** A BILL for an Act to provide for a tribal and state relations committee; and to provide an expiration date.

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

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

**William R. Horton, Secretary**

