

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, March 31, 2005

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

The prayer was offered by Pastor Doug Wyatt, Mandan Church of the Nazarene, Mandan.

The roll was called and all members were present except Senators Dever and Tallackson.

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. Espegard, Chairman)** has carefully examined the Journal of the Fifty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1126, after line 27, insert:

"MOTION

SEN. CHRISTMANN MOVED that Senate Rule 338 be further amended to read "Fifty-ninth" in place of "Fifty-seventh", thereby extending the deadline for reporting bills out of committee, which motion prevailed."

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2372 as printed on SJ page 1117 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 2372: Sens. Wardner, Tollefson, Every.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to SB 2384 as printed on SJ pages 1117-1118 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 2384: Sens. Syverson, Hacker, Triplett.

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 1148, HB 1359, HB 1248, and HB 1284, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1148: Sens. Lyson, Brown, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1359: Sens. J. Lee, Dever, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1248: Sens. Brown, Dever, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1284: Sens. Syverson, Traynor, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2117 as printed on SJ pages 784-785, which motion prevailed on a voice vote.

SB 2117, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to amend and reenact sections 14-02.4-02, 14-02.4-14, 14-02.4-19, 14-02.4-20, and 14-02.4-23 of the North Dakota Century Code, relating to department of labor discriminatory practices proceedings.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; 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; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bercier

ABSENT AND NOT VOTING: Dever; Tallackson

Engrossed SB 2117 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Engrossed SB 2343 as printed on SJ pages 1090-1091, which motion prevailed on a voice vote.

Engrossed SB 2343, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to create and enact a new section to chapter 23-06.5 of the North Dakota Century Code, relating to health care directives; to amend and reenact subsection 2 of section 12.1-31-07 and sections 23-06.5-01, 23-06.5-02, 23-06.5-03, 23-06.5-05, 23-06.5-06, 23-06.5-07, 23-06.5-08, 23-06.5-09, 23-06.5-10, 23-06.5-11, 23-06.5-12, 23-06.5-13, 23-06.5-15, 23-06.5-16, 23-06.5-17, and 23-06.5-18 of the North Dakota Century Code, relating to health care decisions and directives; and to repeal chapter 23-06.4 of the North Dakota Century Code, relating to treatment declarations.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; 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; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Dever; Tallackson

Reengrossed SB 2343 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SCR 4030 as printed on SJ page 1118, which motion prevailed on a voice vote.

Engrossed SCR 4030, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution directing the Legislative Council to study the delivery of long-term care services in North Dakota with primary emphasis on the individual's preferred method of care, patient safety, quality of care, potential duplication of service, and the direction of state assistance.

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

Reengrossed SCR 4030 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2005 as printed on SJ pages 1114-1115, which motion prevailed on a voice vote.

Engrossed SB 2005, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Dever; Tallackson

Reengrossed SB 2005 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2281 as printed on SJ page 1089, which motion prevailed on a voice vote.

Engrossed SB 2281, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to create and enact a new subsection to section 57-38.6-03 of the North Dakota Century Code, relating to agricultural business investment income tax credits; to amend and reenact sections 57-38.6-01, 57-38.6-02, 57-38.6-03, and 57-38.6-04 of the North Dakota Century Code, relating to agricultural business investment income tax credits; 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Cook; Stenehjem; Syverson

ABSENT AND NOT VOTING: Dever; Tallackson

Reengrossed SB 2281 passed and the title was agreed to.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution congratulating Team North Dakota for winning the USA Curling Women's Junior National Championship and wishing Team North Dakota continued success as Team USA in the 2005 Women's Junior World Curling Championship in Italy.

Was read the first time.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, that HCR 3057 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Martinson, Carlisle, Dosch, Keiser, Klemin, L. Meier, Sitte, Weiler and Sens. Dever, Kilzer, Kringstad, Stenehjem introduced:

HOUSE CONCURRENT RESOLUTION NO. 3057

A concurrent resolution congratulating Team North Dakota for winning the USA Curling Women's Junior National Championship and wishing Team North Dakota continued success as Team USA in the 2005 Women's Junior World Curling Championship in Italy.

WHEREAS, Team North Dakota, consisting of Gillian Gervais, Sarah Gervais, Stephanie Jensen, Stephanie Sambor, and Amy Hultstrand and coach David Jensen, completed a week of stellar curling by capturing the 2005 USA Curling Women's Junior National Championship in Bismarck; and

WHEREAS, Team North Dakota earned the right and the privilege to represent the United States in competition for the Women's Junior World Curling Championship in competition in Pinerolo, Italy, in March 2005; and

WHEREAS, the sport of curling is known worldwide as being a game of skill and traditions and as stated by the United States Curling Association, "A shot well executed is a delight to see and so, too, it is a fine thing to observe the time-honored tradition of curling being applied in the true spirit of the game";

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

That the Fifty-ninth Legislative Assembly takes great pride in extending congratulations to Team North Dakota for winning the 2005 USA Curling Women's Junior National Championship and wishes Team North Dakota USA good luck and good curling in the true spirit of the game and as ambassadors of the Great State of North Dakota and the United States of America at the Women's Junior World Curling Championship in Italy; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member and the coach of Team North Dakota.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution congratulating Team North Dakota for winning the USA Curling Women's Junior National Championship and wishing Team North Dakota continued success as Team USA in the 2005 Women's Junior World Curling Championship in Italy.

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

HCR 3057 was declared adopted, and the title was agreed to on a voice vote.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3058: A concurrent resolution urging the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees.

Was read the first time.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, that HCR 3058 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Owens, Dietrich, Svedjan and Sens. Espegard, Hacker, Holmberg introduced:

(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3058

A concurrent resolution urging the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees.

WHEREAS, the Grand Forks Automated Flight Service Station provides pilots with weather and aeronautical data to help them make critical and often lifesaving decisions; and

WHEREAS, whether assisting University of North Dakota student pilots, coordinating air ambulance flights to our rural communities, relaying data to commercial operators flying passengers and supplies over the state, often in the worst of weather, or assisting the military in matters of national security, the Grand Forks Automated Flight Service Station provides an invaluable service that is intimately related to the public interest; and

WHEREAS, the Grand Forks Automated Flight Service Station is responsible for the continuous monitoring of international border air space and daily support of the missions of the Minot Air Force Base, Grand Forks Air Force Base, Fargo Air National Guard, and Bismarck National Guard flight operations; and

WHEREAS, maintaining the Grand Forks Automated Flight Service Station with proper staffing levels and equipment is a fundamental necessity in the continuation of these crucial services; and

WHEREAS, the Federal Aviation Administration is primarily responsible for the safety and security of aviation;

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

That the Fifty-ninth Legislative Assembly urges the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President and Vice President of the United States, the administrator of the Federal Aviation Administration, and to each member of the United States Senate and United States House of Representatives.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3058: A concurrent resolution urging the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees.

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

HCR 3058 was declared adopted, and the title was agreed to on a voice vote.

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.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3057, HCR 3058.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2372 and SB 2384 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2372: Sens. Wardner; Tollefson; Every

SB 2384: Sens. Syverson; Hacker; Triplett

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 1148: Sens. Lyson; Brown; Warner

HB 1248: Sens. Brown; Dever; Warner

HB 1284: Sens. Syverson; Traynor; Nelson

HB 1359: Sens. J. Lee; Dever; Warner

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2005, SB 2117, SB 2281, SB 2343, and SCR 4030.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1005, HB 1007, and HB 1014.

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 1017, HB 1019, HB 1020, HB 1231, HB 1421, and HB 1465 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1017: Reps. Rennerfeldt; Brusegaard; Aarsvold

HB 1019: Reps. Martinson; Rennerfeldt; Aarsvold

HB 1020: Reps. Martinson; Wald; Gulleeson

HB 1231: Reps. Brusegaard; Weisz; Sandvig

HB 1421: Reps. Devlin; Koppelman; Ekstrom

HB 1465: Reps. Delzer; Price; Metcalf

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

MR. PRESIDENT: The House has passed unchanged: SB 2028.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2341.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2341

Page 3, line 3, after "general" insert ", the legislative council for distribution during the November 2006 legislative council meeting.", after the second "and" insert "the sixtieth", and remove "by June 30."

Page 3, line 4, remove "2007."

Page 5, line 2, replace "\$714,787" with "\$515,855"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment requires the Department of Corrections and Rehabilitation to provide a report to the Legislative Council and changes the general fund appropriation to the Department of Corrections and Rehabilitation from \$714,787 to \$515,855.

MOTION

SEN. HEITKAMP MOVED that the Senate reconsider its action whereby HB 1454, as amended, failed to pass, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1454: A BILL for an Act to create and enact section 40-57.3-01.2 of the North Dakota Century Code, relating to the imposition of a city motor vehicle rental tax; and to amend and reenact section 40-57.3-02 of the North Dakota Century Code, relating to the city visitors' promotion fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Brown; Espeland; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Robinson; Seymour; Syverson; Taylor; Traynor; Wardner; Warner

NAYS: Andrist; Bercier; Bowman; Christmann; Cook; Erbele; Fairfield; Klein; Lee, G.; Mutch; O'Connell; Schobinger; Stenehjem; Thane; Tollefson; Trenbeath; Triplett; Urlacher

ABSENT AND NOT VOTING: Dever; Tallackson

HB 1454, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2278, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4040: A concurrent resolution urging the Commissioner of Major League Baseball to reinstate Roger Maris as holder of the single-season major league baseball home run record.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the final adoption of SCR 4040, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; 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; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Dever; Tallackson

SCR 4040 was declared adopted, and the title was agreed to on a roll call vote.

CONSIDERATION OF AMENDMENTS

HB 1008, as engrossed: SEN. SCHOBINGER (Appropriations Committee) MOVED that the amendments on SJ pages 1162-1163 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to provide an appropriation for a rail rate complaint case; to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners; to provide for a legislative council study; to provide a statement of legislative intent; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; 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; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Dever; Tallackson

Engrossed HB 1008, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1289: SEN. TRENBEATH (Judiciary Committee) MOVED that the amendments on SJ page 1055 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to amend and reenact section 25-03.3-03, subsection 4 of section 25-03.3-03.1, and sections 25-03.3-05, 25-03.3-11, and 25-03.3-13 of the North Dakota Century Code, relating to making evidence presented at a commitment hearing, preliminary hearing, or commitment proceeding of a sexually dangerous individual open, notice to the attorney general, and the release of medically indentifiable health information.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner; Warner

NAYS: Triplett

ABSENT AND NOT VOTING: Dever; Tallackson

HB 1289, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1370, as engrossed: SEN. ESPEGARD (Transportation Committee) MOVED that the amendments on SJ page 1099 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1370: A BILL for an Act to create and enact a new section to chapter 49-02 of the North Dakota Century Code, relating to regulation of railroad fuel surcharges by the public service commission; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Dever; Tallackson

Engrossed HB 1370, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1417, as engrossed: SEN. TRIPLETT (Political Subdivisions Committee) MOVED that the amendments on SJ page 1059 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to amend and reenact sections 15.1-09-16, 16.1-11-38, 16.1-14-01, 16.1-15-01, 16.1-15-02, 16.1-15-04, 16.1-15-05, 16.1-15-06, and 16.1-15-08, subsections 1 and 2 of section 16.1-15-09, sections 16.1-15-12, 16.1-15-13, 16.1-15-15, 16.1-15-16, 16.1-15-19, 16.1-15-21, 16.1-15-22, 16.1-15-24, 16.1-15-25, 16.1-15-29, 16.1-15-30, 16.1-15-33, 16.1-15-34, 16.1-15-35, 16.1-15-43, 40-21-17, and 58-04-15 of the North Dakota Century Code, relating to tie votes and the

canvassing of votes; and to repeal sections 16.1-15-02.1 and 16.1-15-03 of the North Dakota Century Code, relating to canvassing of votes.

ROLL CALL

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

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

NAYS: Heitkamp; Krauter; Mathern; O'Connell

ABSENT AND NOT VOTING: Dever; Tallackson

Engrossed HB 1417, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1497, as engrossed: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 1064-1065 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1497: A BILL for an Act to amend and reenact sections 15.1-09-11, 16.1-06-04, 16.1-06-05, 16.1-06-06, 16.1-06-07.1, 16.1-06-08, 16.1-06-09, 16.1-06-18, 16.1-11-22, 16.1-11-24, and 16.1-11-35, subsection 1 of section 16.1-12-02.2, and sections 16.1-13-20, 16.1-13-22, 16.1-13-23, 16.1-13-25, and 16.1-15-08 of the North Dakota Century Code, relating to election process administration; and to repeal section 16.1-13-26 of the North Dakota Century Code, relating to election process administration.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Heitkamp; O'Connell

ABSENT AND NOT VOTING: Dever; Tallackson

Engrossed HB 1497, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1500, as engrossed: SEN. HACKER (Judiciary Committee) MOVED that the amendments on SJ pages 1065-1067 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1500: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to identity fraud; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Dever; Tallackson

Engrossed HB 1500, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1470, as engrossed: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 1064 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1470: A BILL for an Act to amend and reenact subsection 2 of section 50-24.6-02 and section 50-24.6-04 of the North Dakota Century Code, relating to the membership of the drug use review board and the prior authorization program.

MOTION

SEN. WARNER MOVED that Engrossed HB 1470, as amended, be further amended as follows, which motion prevailed on a voice vote.

In addition to the amendments adopted by the Senate as printed on page 1064 of the Senate Journal, Engrossed House Bill No. 1470 is further amended as follows:

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

Page 3, after line 19, insert:

"SECTION 3. EXPIRATION DATE. Section 2 of this Act is effective through July 31, 2007, and after that date is ineffective."

ReNUMBER accordingly

HB 1470: A BILL for an Act to amend and reenact subsection 2 of section 50-24.6-02 and section 50-24.6-04 of the North Dakota Century Code, relating to the membership of the drug use review board and the prior authorization program; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Erbele; Espgaard; Every; Fairfield; Freborg; Hacker; Heitkamp; Krauter; Krebsbach; Lindaas; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Seymour; Stenehjem; Syverson; Taylor; Thane; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Kringstad; Lee, G.; Lee, J.; Lyson; Schobinger; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Dever; Tallackson

Engrossed HB 1470, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1042: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 1126 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1042: A BILL for an Act to create and enact a new section to chapter 57-39.4 of the North Dakota Century Code, relating to North Dakota representation on the streamlined sales tax governing board and state and local advisory council.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; 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; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Dever; Tallackson

HB 1042, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1043: A BILL for an Act to create and enact sections 57-39.2-03.9, 57-39.5-05, and 57-39.6-05 and chapter 57-39.7 of the North Dakota Century Code, relating to application of sales taxes to tobacco products, use taxes and credits for storage, use, or consumption in this state of farm machinery or alcoholic beverages, and a lodging gross receipts tax; to amend and reenact subsection 2 of section 11-09.1-05, sections 40-05.1-06, 57-01-02.1, and 57-39.2-01, subdivision h of subsection 1 of section 57-39.2-02.1, subsection 26 of section 57-39.2-04, subdivision d of subsection 2 of section 57-39.2-04.1, section 57-39.2-26.1, subsection 8 of section 57-39.4-16, section 57-40.2-01, subsection 2 of section 57-40.2-02.1, and sections 57-40.2-03.2, 57-40.2-04, and 57-40.2-04.1 of the North Dakota Century Code, relating to sales and use tax amendments to conform with the provisions of the Streamlined Sales Tax Act; to repeal section 57-39.2-03.8 and subsection 33 of section 57-39.2-04 of the North Dakota Century Code, relating to elimination of provisions in conflict with the Streamlined Sales Tax Act; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; Robinson; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Fairfield; Heitkamp; Krauter; O'Connell; Schobinger

ABSENT AND NOT VOTING: Dever; Tallackson

Engrossed HB 1043 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 338 be further amended to read "sixty-first" in place of "fifty-ninth", thereby extending the deadline for reporting bills out of committee, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4040.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1043.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1042, HB 1289, HB 1417, HB 1454, HB 1497, HB 1500.

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 1008, HB 1370.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2027, SB 2028, SB 2044, SB 2101, SB 2120, SB 2208, SB 2269, SB 2272, SB 2344, SCR 4012.

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 1001, HB 1002, HB 1011, HB 1222, and HB 1434 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1001: Reps. Thoreson; Kempenich; Williams

HB 1002: Reps. Thoreson; Carlisle; Kroeber

HB 1011: Reps. Kempenich; Thoreson; Kroeber

HB 1222: Reps. Carlson; Devlin; Zaiser

HB 1434: Reps. Herbel; L. Meier; Hunsakor

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

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

SB 2026: Reps. Koppelman; Wrangham; Ekstrom

SB 2037: Reps. Skarphol; Monson; Glassheim

SB 2047: Reps. Ruby; Weiler; S. Meyer

SB 2096: Reps. Vigesaa; Bernstein; Thorpe

SB 2188: Reps. Headland; Brandenburg; Schmidt

SB 2200: Reps. R. Kelsch; Owens; Delmore

SB 2205: Reps. Price; Owens; Schmidt

SB 2300: Reps. Kreidt; Pietsch; Kaldor

SB 2303: Reps. Haas; Grande; Potter

SB 2361: Reps. Devlin; Pietsch; Ekstrom

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2007, SB 2157, SB 2373.

HOUSE AMENDMENTS TO SENATE BILL NO. 2007

Page 1, line 2, after "affairs" insert "; and to provide legislative intent"

Page 2, line 5, replace "(\$172,347)" with "(\$247,032)"

Page 2, line 6, replace "495,074" with "445,074"

Page 2, line 8, replace "350,536" with "225,851"

Page 2, line 9, replace "(984,496)" with "(996,290)"

Page 2, line 10, replace "1,335,032" with "1,222,141"

Page 2, line 13, replace "153,045" with "125,291"

Page 2, line 15, replace "196,539" with "168,785"

Page 2, line 16, replace "1,531,611" with "1,390,926"

Page 2, line 17, replace "(\$1,027,990)" with "(\$1,039,784)"

Page 2, line 18, replace "503,621" with "351,142"

Page 2, line 27, replace "7,803,390" with "7,728,705"

Page 2, line 28, replace "3,206,778" with "3,156,778"

Page 2, line 30, replace "11,367,731" with "11,243,046"

Page 3, line 1, replace "6,986,627" with "6,974,833"

Page 3, line 2, replace "4,381,104" with "4,268,213"

Page 3, line 5, replace "677,337" with "649,583"

Page 3, line 6, replace "677,337" with "649,583"

Page 3, line 7, replace "5,058,441" with "4,917,796"

Page 3, line 8, replace "6,986,627" with "6,974,833"

Page 3, line 9, replace "12,045,068" with "11,892,629"

Page 3, after line 9, insert:

"SECTION 4. LEGISLATIVE INTENT - VETERANS' HOME STAFFING POLICY. It is the intent of the fifty-ninth legislative assembly that the veterans' home review its policy of staffing for basic care services, including the number of licensed practical nurses as compared to certified nurse assistants scheduled for each shift and to present a report to the appropriations committees of the sixtieth legislative assembly during the agency's budget presentation regarding justification for the staffing policy and information on savings that may be realized from changes in the policy."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---------------------------------|---------------------|-------------------|------------------|------------------|
| Veterans' Home | | | | |
| Total all funds | \$11,367,731 | \$11,367,731 | (\$124,685) | \$11,243,046 |
| Less estimated income | 6,986,627 | 6,986,627 | (11,794) | 6,974,833 |
| General fund | \$4,381,104 | \$4,381,104 | (\$112,891) | \$4,268,213 |
| Department of Veterans' Affairs | | | | |
| Total all funds | \$677,337 | \$677,337 | (\$27,754) | \$649,583 |
| Less estimated income | | | | |
| General fund | \$677,337 | \$677,337 | (\$27,754) | \$649,583 |
| Bill Total | | | | |
| Total all funds | \$12,045,068 | \$12,045,068 | (\$152,439) | \$11,892,629 |
| Less estimated income | 6,986,627 | 6,986,627 | (11,794) | 6,974,833 |
| General fund | \$5,058,441 | \$5,058,441 | (\$140,645) | \$4,917,796 |

Senate Bill No. 2007 - Veterans' Home - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$7,803,390 | \$7,803,390 | (\$74,685) | \$7,728,705 |
| Operating expenses | 3,206,778 | 3,206,778 | (50,000) | 3,156,778 |
| Capital assets | 357,563 | 357,563 | | 357,563 |
| Total all funds | \$11,367,731 | \$11,367,731 | (\$124,685) | \$11,243,046 |
| Less estimated income | 6,986,627 | 6,986,627 | (11,794) | 6,974,833 |
| General fund | \$4,381,104 | \$4,381,104 | (\$112,891) | \$4,268,213 |
| FTE | 90.97 | 90.97 | 0.00 | 90.97 |

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

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹ | REDUCES COMPENSATION PACKAGE TO 3/4 | REDUCES SALARIES AND WAGES LINE ITEM ² | REDUCES FUNDING FOR OPERATIONS ³ | TOTAL HOUSE CHANGES |
|-----------------------|---|---|--|---|---------------------------|
| Salaries and wages | (\$12,106) | (\$22,579) | (\$40,000) | | (\$74,685) |
| Operating expenses | | | | (\$50,000) | (50,000) |
| Capital assets | | | | | |
| Total all funds | (\$12,106) | (\$22,579) | (\$40,000) | (\$50,000) | (\$124,685) |
| Less estimated income | (11,794) | | | | (11,794) |
| General fund | (\$312) | (\$22,579) | (\$40,000) | (\$50,000) | (\$112,891) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

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

² The House reduced the salaries and wages line item due to a change in the over-time policy.

³ The House reduced funding for operating expenses.

Senate Bill No. 2007 - Department of Veterans' Affairs - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Veterans' Affairs | \$677,337 | \$677,337 | (\$27,754) | \$649,583 |
| Total all funds | \$677,337 | \$677,337 | (\$27,754) | \$649,583 |
| Less estimated income | | | | |
| General fund | \$677,337 | \$677,337 | (\$27,754) | \$649,583 |
| FTE | 6.00 | 6.00 | 0.00 | 6.00 |

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

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹ | REDUCES COMPENSATION PACKAGE TO 3/4 | REMOVES FUNDING FOR ADMINISTRATIVE COMMITTEE TRAVEL EXPENSES ² | REDUCES FUNDING FOR PROFESSIONAL SERVICES ³ | TOTAL HOUSE CHANGES |
|-----------------------|---|---|--|---|---------------------------|
| Veterans' Affairs | (\$749) | (\$2,005) | (\$20,000) | (\$5,000) | (\$27,754) |
| Total all funds | (\$749) | (\$2,005) | (\$20,000) | (\$5,000) | (\$27,754) |
| Less estimated income | | | | | |
| General fund | (\$749) | (\$2,005) | (\$20,000) | (\$5,000) | (\$27,754) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

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

² The House removed funding to cover travel expenses of the Administrative Committee on Veterans' Affairs.

³ The House reduced funding for professional services.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2157

In lieu of the amendments adopted by the House as printed on page 975 of the House Journal, Reengrossed Senate Bill No. 2157 is amended as follows:

Page 1, line 2, after "credit" insert "; to provide an appropriation"

Page 2, line 5, remove the overstrike over "~~eight thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "the"

Page 2, line 6, remove "federal poverty level"

Page 2, line 7, remove the overstrike over "~~two~~"

Page 2, line 8, remove "~~three~~" and replace "~~six~~" with "five"

Page 2, line 9, remove the overstrike over "~~eight thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "~~the federal~~"

Page 2, line 10, remove "poverty level", after "~~nine~~" insert "ten", remove the overstrike over "~~thousand~~", and remove the overstrike over "~~dollars~~"

Page 2, line 11, remove "one hundred ten percent of the federal poverty level"

Page 2, line 13, remove "eight", overstrike "hundred", and remove "eighty"

Page 2, line 15, after "~~nine~~" insert "ten" and remove the overstrike over "~~thousand~~"

Page 2, line 16, remove the overstrike over "~~dollars~~" and remove "one hundred ten percent of the federal poverty level"

Page 2, line 17, remove the overstrike over "~~eleven thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "one hundred twenty percent of the"

Page 2, line 18, remove "federal poverty level"

Page 2, line 19, remove the overstrike over "~~one~~"

Page 2, line 20, remove "two", replace "one" with "five", and remove "sixty"

Page 2, line 21, remove the overstrike over "~~eleven thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "one"

Page 2, line 22, remove "hundred twenty percent of the federal poverty level"

Page 2, line 23, after "~~twelve~~" insert "thirteen", remove the overstrike over "~~thousand~~", remove the overstrike over "~~dollars~~", and remove "one hundred thirty percent of the"

Page 2, line 24, remove "federal poverty level"

Page 2, line 26, remove "one thousand four", overstrike "hundred", and replace "forty" with "one thousand"

Page 2, line 27, after "~~twelve~~" insert "thirteen" and remove the overstrike over "~~thousand~~"

Page 2, line 28, remove the overstrike over "~~dollars~~" and remove "one hundred thirty percent of the federal poverty level"

Page 2, line 29, remove the overstrike over "~~fourteen thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "one hundred forty percent of the"

Page 2, line 30, remove "federal poverty level"

Page 3, line 2, replace "seven" with "five" and remove "twenty"

Page 4, remove lines 1 through 3

Page 4, line 24, remove the overstrike over "~~be in excess of~~"

Page 4, line 25, remove the overstrike over "~~two hundred forty dollars~~" and remove "exceed the amount provided in this subdivision"

Page 4, line 28, remove "Maximum refunds for applicants must be determined according to"

Page 4, remove lines 29 through 31

Page 5, remove lines 1 through 14

Page 6, remove lines 18 through 26

Page 6, line 27, replace "c." with "b."

Page 6, line 28, replace "d." with "c."

Page 7, line 4, replace "e." with "d."

Page 7, line 8, replace "f." with "e."

Page 7, after line 12, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the tax commissioner for the purpose of homestead tax credit reimbursement in addition to other funds available for that purpose, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 7, line 14, replace "2006" with "2004, for ad valorem property taxes and for taxable years beginning after December 31, 2005, for mobile home taxes"

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2373

In lieu of the amendments adopted by the House as printed on page 1170 of the House Journal, Reengrossed Senate Bill No. 2373 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the implementation of a pilot program at the state hospital for the treatment of individuals who are chemically dependent on methamphetamine or other controlled substances; to provide for a report to the legislative assembly; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Substance abuse treatment pilot program - State hospital - Costs of program. The department of human services shall implement a substance abuse treatment pilot program at the state hospital for the treatment and rehabilitation of individuals who are chemically dependent on methamphetamine or other controlled substances. The program must provide that the individual who receives treatment or other third-party payer is responsible for fifty percent of the cost of the treatment. The department shall pay the remaining fifty percent of the cost of treatment.

SECTION 2. REPORT TO LEGISLATIVE ASSEMBLY. The department of human services shall collect statistics regarding the operation of the pilot program, track participants in the pilot program, and provide a report to the sixtieth legislative assembly detailing the number of participants in the pilot program, the cost of the pilot program, relapse statistics, and other data concerning the effectiveness of the pilot program provided for under section 1 of this Act.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, and from other funds consisting of third-party and client payments, the sum of \$500,000, to the department of human services for the costs associated with establishing ten beds at the state hospital for the treatment of individuals who are chemically dependent on methamphetamine or other controlled substances, for the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 4. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 2007, and after that date is ineffective."

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 carried: SB 2001.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2001

Page 1, line 2, after the semicolon insert "to provide a statement of legislative intent; to amend and reenact sections 54-03-10 and 54-03-20 of the North Dakota Century Code, relating to compensation of appropriations committee division chairmen and compensation of members of the legislative assembly; to provide for applications and transfers; to provide an effective date; to provide for retroactive application;"

Page 2, line 5, replace "253,551" with "415,913"

Page 2, line 9, replace "456,700" with "619,062"

Page 2, line 12, replace "255,125" with "251,007"

Page 2, line 16, replace "47,034" with "42,916"

Page 2, line 17, replace "503,734" with "661,978"

Page 2, line 26, replace "5,736,429" with "5,898,791"

Page 2, line 30, replace "9,017,952" with "9,180,314"

Page 3, line 2, replace "5,171,154" with "5,167,036"

Page 3, line 5, replace "7,579,890" with "7,575,772"

Page 3, line 6, replace "16,597,842" with "16,756,086"

Page 3, after line 16, insert:

"SECTION 5. LEGISLATIVE APPLICATIONS REPLACEMENT SYSTEM GOVERNANCE. The legislative council shall develop, during the 2005-06 interim, a design, an analysis, and a plan for implementation of a replacement system for legislative applications. The legislative council staff and the information technology department staff shall develop a project plan and manage the project. The legislative council's interim information technology committee shall review the project plan and may request revisions to the plan before adopting the plan. The project plan must include the appointment of an executive steering committee for the project which must consist of two members from the legislative council staff, two members from the information technology department staff, two legislators, and others as appointed by the legislative council chairman. The project plan must be developed in a phased approach and must include a process for soliciting suggestions from members of the legislative assembly regarding system functions. After completion of a project phase, the information technology committee shall review and approve the deliverables from the completed phase before any consideration may be made for a subsequent phase. The individual designated as the project manager shall provide reports regarding the project as required by chapters 54-35 and 54-59 and provide any additional information requested by the information technology committee.

SECTION 6. LEGISLATIVE INTENT - PRINTING OF BILLS AND RESOLUTIONS. It is the intent of the fifty-ninth legislative assembly that to provide for the space needs of the legislative assembly and to better utilize space in the legislative wing of the state capitol, the legislative council arrange for the printing of bills and resolutions for the sixtieth legislative assembly as requested using computers and high-speed printers rather than printing multiple copies of all bills and having them available in the bill and journal room for the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 7. AMENDMENT. Section 54-03-10 of the North Dakota Century Code is amended and reenacted as follows:

54-03-10. Compensation of speaker, majority and minority leaders, assistant majority and minority leaders, committee or division chairmen, and employees. The speaker of the house, the house majority leader, the senate majority leader, the house minority leader, and the senate minority leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ten dollars per day for each calendar day during any regular, special, or organizational session. Chairmen of the substantive standing committees, chairmen of substantive standing committee divisions established by rule of the house or senate, the house assistant majority leader, the senate assistant majority leader, the house assistant minority leader, and the senate assistant minority leader shall receive additional compensation of five dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section must be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed.

SECTION 8. AMENDMENT. Section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of one hundred ~~twenty-five~~thirty-five dollars for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred fifty dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of

the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed six hundred fifty dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

If during a special session, the legislative assembly adjourns for more than three days, a member of the legislative assembly is entitled to receive compensation during those days only while in attendance at a standing committee if the legislator is a member of that committee, a majority or minority leader, or a legislator who is not on that committee but who has the approval of a majority or minority leader to attend. A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session or a legislative committee meeting must be included as a calendar day during a legislative session or as a day of a legislative committee meeting for the purposes of this section.

In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of two hundred fifty dollars a month, which is payable every six months or monthly, at the member's option. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member. The majority and minority leaders of the house and senate and the chairman of the legislative council, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of two hundred fifty dollars per month during the biennium for their execution of public duties.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

SECTION 9. APPLICATION AND TRANSFER AUTHORITY. North Dakota Century Code sections 54-16-04 and 54-44.1-11 do not apply to chapter 1 of the 2003 Session Laws. Any unexpended funds from the appropriations in chapter 1 of the 2003 Session Laws are available to assist in the cost of the legislative applications replacement project, including preplanning costs. The director of the office of management and budget and the state treasurer shall make transfers of funds between the line items and the agencies of the legislative branch within section 1 of that chapter as requested by the chairman of the legislative council or the chairman's designee.

SECTION 10. EFFECTIVE DATE. Section 8 of this Act becomes effective December 1, 2006.

SECTION 11. RETROACTIVE APPLICATION. Section 7 of this Act is retroactive in application to January 1, 2005."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2001 - Summary of House Action

EXECUTIVE
BUDGET

SENATE
VERSION

HOUSE
CHANGES

HOUSE
VERSION

| | | | | |
|-----------------------|---------------------|---------------------|------------------|---------------------|
| Total all funds | \$13,117,952 | \$9,017,952 | \$162,362 | \$9,180,314 |
| Less estimated income | | | | |
| General fund | <u>\$13,117,952</u> | <u>\$9,017,952</u> | <u>\$162,362</u> | <u>\$9,180,314</u> |
| Legislative Council | | | | |
| Total all funds | \$7,598,596 | \$7,579,890 | (\$4,118) | \$7,575,772 |
| Less estimated income | | | | |
| General fund | <u>\$7,598,596</u> | <u>\$7,579,890</u> | <u>(\$4,118)</u> | <u>\$7,575,772</u> |
| Bill Total | | | | |
| Total all funds | \$20,716,548 | \$16,597,842 | \$158,244 | \$16,756,086 |
| Less estimated income | | | | |
| General fund | <u>\$20,716,548</u> | <u>\$16,597,842</u> | <u>\$158,244</u> | <u>\$16,756,086</u> |

Senate Bill No. 2001 - Legislative Assembly - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---|---------------------|--------------------|------------------|--------------------|
| Salaries and wages | \$5,736,429 | \$5,736,429 | \$162,362 | \$5,898,791 |
| Operating expenses | 2,997,773 | 2,997,773 | | 2,997,773 |
| Capital assets | 6,000 | 106,000 | | 106,000 |
| National Conference of State Legislatures | 177,750 | 177,750 | | 177,750 |
| Legislative applications replacement | <u>4,200,000</u> | | | |
| Total all funds | \$13,117,952 | \$9,017,952 | \$162,362 | \$9,180,314 |
| Less estimated income | | | | |
| General fund | <u>\$13,117,952</u> | <u>\$9,017,952</u> | <u>\$162,362</u> | <u>\$9,180,314</u> |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

Dept. 150 - Legislative Assembly - Detail of House Changes

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE | ADDS FUNDING FOR LEGISLATOR PAY INCREASE ¹ | ADDS FUNDING FOR DIVISION CHAIRMEN PAY ² | TOTAL HOUSE CHANGES |
|---|--|--|--|---------------------------|
| Salaries and wages | (\$16,100) | \$176,072 | \$2,390 | \$162,362 |
| Operating expenses | | | | |
| Capital assets | | | | |
| National Conference of State Legislatures | | | | |
| Legislative applications replacement | | | | |
| Total all funds | (\$16,100) | \$176,072 | \$2,390 | \$162,362 |
| Less estimated income | | | | |
| General fund | <u>(\$16,100)</u> | <u>\$176,072</u> | <u>\$2,390</u> | <u>\$162,362</u> |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ A section is added increasing legislator pay during legislative sessions by \$10 per day, from \$125 to \$135 per day, effective December 1, 2006.

² A section is added providing that chairmen of standing committee divisions receive an additional \$5 per day during legislative sessions, the same as standing committee chairmen, which is retroactive to January 1, 2005.

A section is added providing for the development of a project plan for the legislative applications replacement system computer project.

A section is added allowing for continuation of any unspent 2003-05 biennium appropriation authority of the legislative branch for costs of the legislative applications replacement system computer project.

A section of legislative intent is added that the Legislative Council arrange for bills and resolutions of the 2007 legislative session to be printed on-demand using computers and high-speed printers rather than through printing contract to reduce costs and make available space now used for the bill and journal room for other legislative uses.

Senate Bill No. 2001 - Legislative Council - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$5,189,860 | \$5,171,154 | (\$4,118) | \$5,167,036 |
| Operating expenses | 2,367,736 | 2,367,736 | | 2,367,736 |
| Capital assets | <u>41,000</u> | <u>41,000</u> | | <u>41,000</u> |
| Total all funds | \$7,598,596 | \$7,579,890 | (\$4,118) | \$7,575,772 |
| Less estimated income | | | | |

| | | | | |
|--------------|-------------|-------------|-----------|-------------|
| General fund | \$7,598,596 | \$7,579,890 | (\$4,118) | \$7,575,772 |
| FTE | 33.00 | 33.00 | 0.00 | 33.00 |

Dept. 160 - Legislative Council - Detail of House Changes

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE | TOTAL HOUSE CHANGES |
|-----------------------|--|---------------------------|
| Salaries and wages | (\$4,118) | (\$4,118) |
| Operating expenses | | |
| Capital assets | | |
| Total all funds | (\$4,118) | (\$4,118) |
| Less estimated income | | |
| General fund | (\$4,118) | (\$4,118) |
| FTE | 0.00 | 0.00 |

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

MR. PRESIDENT: The Speaker has signed: SB 2041, SB 2087, SB 2102, SB 2118, SB 2125, SB 2141, SB 2147, SB 2181, SB 2195, SB 2215, SB 2216, SB 2246, SB 2265, SB 2282, SB 2326, SB 2340, SB 2348, SB 2356, SB 2393, SB 2395.

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

MR. PRESIDENT: The Speaker has signed: SB 2232, SB 2290, SB 2325, SB 2335, SB 2362, SB 2375, SB 2378.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 30, 2005, I have signed the following: SB 2058, SB 2239, SB 2244, SB 2248, SB 2268, SB 2288, SB 2311, and SB 2353.

Also, on March 31, 2005, I have signed the following: SB 2115, SB 2138, SB 2236, and SB 2346.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Friday, April 1, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1003, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first semicolon insert "to provide an appropriation for defraying the expenses of the racing commission;"

Page 1, line 3, after the second semicolon insert "to provide for a salary equity review and recommendation;"

Page 2, line 1, replace "860,869" with "926,395"

Page 2, line 2, replace "283,953" with "488,324"

Page 2, line 3, replace "(63,000)" with "(44,200)"

Page 2, remove line 5

Page 2, line 7, replace "1,501,643" with "1,422,945"

Page 2, line 8, replace "(78,717)" with "(645,621)"

Page 2, line 9, replace "1,580,360" with "2,068,566"

Page 2, line 15, replace "19,322,170" with "19,387,696"

Page 2, line 16, replace "8,279,424" with "8,483,795"

Page 2, line 17, replace "1,767,250" with "1,786,050"

Page 2, remove line 21

Page 2, line 24, replace "35,985,334" with "35,906,636"

Page 2, line 25, replace "17,350,757" with "16,783,853"

Page 2, line 26, replace "18,634,577" with "19,122,783"

Page 2, after line 26, insert:

"SECTION 4. APPROPRIATION - RACING COMMISSION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the racing commission for the purpose of defraying the expenses of the racing commission, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

| | |
|----------------------------------|----------------|
| Racing commission | \$367,145 |
| Total all funds | \$367,145 |
| Less estimated income | <u>249,666</u> |
| Total general fund appropriation | \$117,479" |

Page 3, line 18, replace "3" with "4", replace the first "\$73,945" with "\$73,889", and replace the second "\$73,945" with "\$73,889"

Page 3, line 19, replace "\$73,946" with "\$73,888"

Page 4, line 8, remove "- **COLLABORATION**"

Page 4, line 9, remove "**WITH UNITED STATES DEPARTMENT OF JUSTICE**" and replace "collaborate" with "consider, in consultation"

Page 4, line 10, replace "to determine whether" with ", the feasibility of naming"

Page 4, line 11, remove "should be named"

Page 4, after line 13, insert:

"SECTION 14. SALARY REVIEW AND RECOMMENDATION. During the 2005-06 interim, the director of the office of management and budget shall conduct an equity review of the salaries of all attorneys and paralegals employed as full-time employees with all branches of government within the state of North Dakota, including attorneys and paralegals employed by the state board of higher education and workforce safety and insurance. The director shall provide to the governor for inclusion in the 2007-09 biennial executive budget recommendation the funding necessary to adjust the salaries of attorneys and paralegals in a manner that makes attorney and paralegal salaries comparable and equitable throughout state government. In determining comparable positions based upon years of experience and importance of position, the director shall consult with the attorney general."

Page 4, line 20, replace "10" with "11"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Summary of Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|-----------------------|---------------------|-------------------|-------------------|-------------------|
| Attorney General | | | | |
| Total all funds | \$36,058,177 | \$35,985,334 | (\$78,698) | \$35,906,636 |
| Less estimated income | <u>17,788,541</u> | <u>17,350,757</u> | <u>(566,904)</u> | <u>16,783,853</u> |
| General fund | \$18,269,636 | \$18,634,577 | \$488,206 | \$19,122,783 |
| Racing Commission | | | | |
| Total all funds | \$0 | \$0 | \$367,145 | \$367,145 |

| | | | | |
|-----------------------|--------------|--------------|-----------|--------------|
| Less estimated income | | | 249,666 | 249,666 |
| General fund | \$0 | \$0 | \$117,479 | \$117,479 |
| Bill Total | | | | |
| Total all funds | \$36,058,177 | \$35,985,334 | \$288,447 | \$36,273,781 |
| Less estimated income | 17,788,541 | 17,350,757 | (317,238) | 17,033,519 |
| General fund | \$18,269,636 | \$18,634,577 | \$605,685 | \$19,240,262 |

House Bill No. 1003 - Attorney General - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|--------------------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$19,400,721 | \$19,322,170 | \$65,526 | \$19,387,696 |
| Operating expenses | 8,254,104 | 8,279,424 | 204,371 | 8,483,795 |
| Capital assets | 1,767,250 | 1,767,250 | 18,800 | 1,786,050 |
| Grants | 5,944,056 | 5,944,056 | | 5,944,056 |
| Litigation fees | 50,000 | 50,000 | | 50,000 |
| State school finance lawsuit | 240,000 | 240,000 | | 240,000 |
| Racing Commission | 387,007 | 367,395 | (367,395) | |
| Arrest and return of fugitives | 10,000 | 10,000 | | 10,000 |
| Gaming Commission | 5,039 | 5,039 | | 5,039 |
| Total all funds | \$36,058,177 | \$35,985,334 | (\$78,698) | \$35,906,636 |
| Less estimated income | 17,788,541 | 17,350,757 | (566,904) | 16,783,853 |
| General fund | \$18,269,636 | \$18,634,577 | \$488,206 | \$19,122,783 |
| FTE | 177.00 | 175.00 | (0.70) | 174.30 |

Dept. 125 - Attorney General - Detail of Senate Changes

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE | CHANGES FUNDING FOR ATTORNEY SALARY EQUITY ¹ | CHANGES FUNDING FOR CRIME LAB TESTING SUPPLIES ² | ADDS FUNDING FOR CRIME LAB FORENSIC SUPPLIES ³ | FUNDING FOR CRIME LAB SERVICE AGREEMENTS ⁴ | ADDS FUNDING FOR CONNECTND FEES ⁵ |
|--------------------------------|--|---|---|---|--|---|
| Salaries and wages | (\$21,465) | | | | | |
| Operating expenses | | | | \$70,853 | \$74,552 | \$31,078 |
| Capital assets | | | | | | |
| Grants | | | | | | |
| Litigation fees | | | | | | |
| State school finance lawsuit | | | | | | |
| Racing Commission | (250) | | | | | |
| Arrest and return of fugitives | | | | | | |
| Gaming Commission | | | | | | |
| Total all funds | (\$21,715) | \$0 | \$0 | \$70,853 | \$74,552 | \$31,078 |
| Less estimated income | (5,400) | (241,024) | (100,000) | | | 31,078 |
| General fund | (\$16,315) | \$241,024 | \$100,000 | \$70,853 | \$74,552 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

| | REPLACES FEDERAL FUNDS REDUCTION ⁶ | ADDS FUNDING FOR DNA TESTING FOR FELONS ⁷ | REMOVES RACING COMMISSION FUNDING ⁸ | TOTAL SENATE CHANGES |
|--------------------------------|--|--|---|----------------------------|
| Salaries and wages | | \$86,991 | | \$65,526 |
| Operating expenses | | 27,888 | | 204,371 |
| Capital assets | | 18,800 | | 18,800 |
| Grants | | | | |
| Litigation fees | | | | |
| State school finance lawsuit | | | | |
| Racing Commission | | | (\$367,145) | (367,395) |
| Arrest and return of fugitives | | | | |
| Gaming Commission | | | | |
| Total all funds | \$0 | \$133,679 | (\$367,145) | (\$78,698) |
| Less estimated income | (29,892) | | (221,666) | (566,904) |
| General fund | \$29,892 | \$133,679 | (\$145,479) | \$488,206 |
| FTE | 0.00 | 1.30 | (2.00) | (0.70) |

¹ The funding source for continuing the cost of salary equity increases for attorneys authorized by the 2003 Legislative Assembly from special funds for the 2003-05 biennium is changed to the general fund for the 2005-07 biennium.

² The anticipated loss of federal funds for crime lab alcohol testing supplies is replaced with funding from the general fund.

³ Funding is added for additional forensic supplies for the crime lab.

⁴ Funding is added for service agreements on crime lab equipment.

⁵ Funding is added from special funds for 2005-07 ConnectND fees.

⁶ Additional general fund support is added to replace a portion of the anticipated reduction in federal funds available for drug enforcement activities of the Bureau of Criminal Investigation and the crime lab.

⁷ Funding of \$133,679 from the general fund, including 1 FTE administrative assistant and a .3 FTE forensic scientist, is added for costs associated with collecting and processing DNA samples from all convicted felons in accordance with provisions of House Bill No. 1235.

⁸ Funding for the Racing Commission is removed and provided in a separate appropriation section in accordance with provisions of Senate Bill No. 2340 which removes the Racing Commission from the Attorney General's office.

The section added by the House requiring the Attorney General to collaborate with the federal prosecutors to determine whether North Dakota should be named as a plaintiff in Medicare and Medicaid fraud cases being considered by the federal government is changed to require the Attorney General to consider, in consultation with federal prosecutors, the feasibility of naming North Dakota as a plaintiff in these cases.

A section is added requiring the Office of Management and Budget to conduct a salary equity review of attorneys and paralegals employed by state government and include a recommendation in the 2007-09 executive budget to provide for comparable and equitable salaries for these employees.

House Bill No. 1003 - Racing Commission - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Racing Commission | | | <u>\$367,145</u> | <u>\$367,145</u> |
| Total all funds | \$0 | \$0 | \$367,145 | \$367,145 |
| Less estimated income | | | <u>249,666</u> | <u>249,666</u> |
| General fund | \$0 | \$0 | \$117,479 | \$117,479 |
| FTE | 0.00 | 0.00 | 2.00 | 2.00 |

Dept. 130 - Racing Commission - Detail of Senate Changes

| | ADDS SEPARATE APPROPRIATION FOR RACING ¹ | CHANGES FUNDING SOURCE ² | TOTAL SENATE CHANGES |
|-----------------------|--|---|----------------------------|
| Racing Commission | <u>\$367,145</u> | | <u>\$367,145</u> |
| Total all funds | \$367,145 | \$0 | \$367,145 |
| Less estimated income | <u>221,666</u> | <u>28,000</u> | <u>249,666</u> |
| General fund | \$145,479 | (\$28,000) | \$117,479 |
| FTE | 2.00 | 0.00 | 2.00 |

¹ A section is added providing an appropriation for the Racing Commission in accordance with provisions of Senate Bill No. 2340 which removes the Racing Commission from the Attorney General's office.

² A funding source change from the general fund to special funds is made to allow expenditure of license fee collections that will be deposited in the Racing Commission operating fund rather than the general fund in accordance with provisions of Senate Bill No. 2344.

REPORT OF STANDING COMMITTEE

HB 1006, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1006 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "568,477" with "551,879"

Page 1, line 23, replace "743,179" with "726,581"

Page 2, line 2, replace "738,223" with "721,625"

Page 2, line 9, replace "13,374,589" with "13,357,991"

Page 2, line 13, replace "22,012,918" with "21,996,320"

Page 2, line 15, replace "21,892,918" with "21,876,320"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1006 - State Tax Commissioner - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|--------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$13,427,930 | \$13,374,589 | (\$16,598) | \$13,357,991 |

| | | | | |
|----------------------------------|----------------|-------------------|------------|-------------------|
| Operating expenses | 4,663,329 | 4,613,329 | | 4,613,329 |
| Capital assets | 25,000 | 25,000 | | 25,000 |
| Homestead tax credit | 7,000,000 | 4,000,000 | | 4,000,000 |
| Integrated tax processing system | | <u>14,000,000</u> | | <u>14,000,000</u> |
| Total all funds | \$25,116,259 | \$36,012,918 | (\$16,598) | \$35,996,320 |
| Less estimated income | <u>120,000</u> | <u>14,120,000</u> | | <u>14,120,000</u> |
| General fund | \$24,996,259 | \$21,892,918 | (\$16,598) | \$21,876,320 |
| FTE | 133.00 | 133.00 | 0.00 | 133.00 |

Dept. 127 - State Tax Commissioner - Detail of Senate Changes

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹ | TOTAL SENATE CHANGES |
|----------------------------------|---|----------------------------|
| Salaries and wages | (\$16,598) | (\$16,598) |
| Operating expenses | | |
| Capital assets | | |
| Homestead tax credit | | |
| Integrated tax processing system | | |
| Total all funds | (\$16,598) | (\$16,598) |
| Less estimated income | | |
| General fund | (\$16,598) | (\$16,598) |
| FTE | 0.00 | 0.00 |

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

REPORT OF STANDING COMMITTEE

HB 1009, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1009 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "4-01-19,"

Page 1, line 3, remove "pride of Dakota program, the"

Page 1, line 5, after "fees" insert "; to provide a contingent appropriation"

Page 2, line 7, replace "1,211,582" with "1,243,463"

Page 2, line 8, replace "822,550" with "896,050"

Page 2, line 10, replace "1,674,225" with "1,624,225"

Page 2, line 11, replace "1,310,099" with "1,309,224"

Page 2, after line 11, insert:

"Contingent appropriation - wildlife services 130,000"

Page 2, remove line 17

Page 2, line 19, replace "1,520,341" with "1,504,847"

Page 2, line 20, replace "1,318,026" with "1,244,916"

Page 2, line 21, replace "202,315" with "259,931"

Page 2, line 27, replace "5,706,552" with "5,738,433"

Page 2, line 28, replace "4,182,375" with "4,255,875"

Page 2, line 30, replace "1,774,225" with "1,724,225"

Page 2, line 31, replace "2,179,563" with "2,178,688"

Page 2, after line 31, insert:

"Contingent appropriation - wildlife services 130,000"

Page 3, line 1, replace "225,000" with "25,000"

Page 3, line 2, replace "14,072,715" with "14,057,221"

Page 3, line 3, replace "9,636,875" with "9,563,765"

Page 3, line 4, replace "4,435,840" with "4,493,456"

Page 3, remove lines 22 through 30

Page 8, after line 24, insert:

"SECTION 13. CONTINGENT APPROPRIATION - WILDLIFE SERVICES.

The contingent appropriation - wildlife services contained in section 3 of this Act is a contingent appropriation out of any moneys in the game and fish fund, not otherwise appropriated, to the agriculture commissioner for the wildlife services program. This funding is in addition to the funding identified in section 6 of this Act. If the federal funding for the cooperative wildlife damage management program for North Dakota wildlife services for federal fiscal year 2006 is less than \$400,000, then \$65,000 of the appropriation is available for wildlife service programs and if the same federal funding is less than \$400,000 for federal fiscal year 2007, an additional \$65,000 of the appropriation is available for wildlife service programs."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1009 - Department of Agriculture - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|--------------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$5,766,637 | \$5,706,552 | \$31,881 | \$5,738,433 |
| Operating expenses | 4,358,278 | 4,182,375 | 73,500 | 4,255,875 |
| Capital assets | 5,000 | 5,000 | | 5,000 |
| Grants | 1,524,225 | 1,774,225 | (50,000) | 1,724,225 |
| Board of Animal Health | 2,374,832 | 2,179,563 | (875) | 2,178,688 |
| Crop Harmonization Board | 225,000 | 225,000 | (200,000) | 25,000 |
| Contingent appropriation | | | 130,000 | 130,000 |
| Total all funds | \$14,253,972 | \$14,072,715 | (\$15,494) | \$14,057,221 |
| Less estimated income | <u>9,368,014</u> | <u>9,636,875</u> | <u>(73,110)</u> | <u>9,563,765</u> |
| General fund | \$4,885,958 | \$4,435,840 | \$57,616 | \$4,493,456 |
| FTE | 61.00 | 61.00 | 0.00 | 61.00 |

Dept. 602 - Department of Agriculture - Detail of Senate Changes

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1 | REMOVES FUNDING FOR CROP HARMONIZATION BOARD 2 | DECREASES FUNDING FOR SALT CEDAR 3 | INCREASES FUNDING FOR PROJECT SAFE SEND 4 | RESTORES FUNDING FOR MEAT INSPECTION PROGRAM 5 | ADDS CONTINGENT FUNDING FOR WILDLIFE SERVICES 6 |
|--------------------------|--|--|--|--|---|---|
| Salaries and wages | (\$6,114) | | | | \$37,995 | |
| Operating expenses | | | | \$50,000 | 23,500 | |
| Capital assets | | | | | | |
| Grants | | | (\$50,000) | | | |
| Board of Animal Health | (875) | | | | | |
| Crop Harmonization Board | | (\$200,000) | | | | |
| Contingent appropriation | | | | | | \$130,000 |
| Total all funds | (\$6,989) | (\$200,000) | (\$50,000) | \$50,000 | \$61,495 | \$130,000 |
| Less estimated income | <u>(3,110)</u> | <u>(200,000)</u> | <u>(50,000)</u> | <u>50,000</u> | | <u>130,000</u> |
| General fund | (\$3,879) | \$0 | \$0 | \$0 | \$61,495 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | TOTAL SENATE CHANGES | | | | | |
| Salaries and wages | | \$31,881 | | | | |
| Operating expenses | | 73,500 | | | | |
| Capital assets | | | | | | |
| Grants | | (50,000) | | | | |
| Board of Animal Health | | (875) | | | | |
| Crop Harmonization Board | | (200,000) | | | | |
| Contingent appropriation | | <u>130,000</u> | | | | |
| Total all funds | | (\$15,494) | | | | |
| Less estimated income | | <u>(73,110)</u> | | | | |

| | |
|--------------|----------|
| General fund | \$57,616 |
| FTE | 0.00 |

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

² The Senate reduced the appropriation authority for the Crop Harmonization Board which is not needed because of continuing appropriation authority.

³ The Senate reduced funding from the environment and rangeland protection fund for saltcedar surveys and eradication.

⁴ The Senate increased the funding for Project Safe Send by \$50,000. The funding source for this increase is from the environment and rangeland protection fund.

⁵ The Senate restored funding for a meat inspector position and related operating expenses.

⁶ The Senate added \$130,000 from the game and fish fund, contingent on federal funds not being available for the program. If the federal funding for the cooperative wildlife damage management program for North Dakota Wildlife Services for federal fiscal year 2006 is less than \$400,000, then \$65,000 of game and fish funds are appropriated for wildlife services programs. If the federal funding for the cooperative wildlife damage management program for North Dakota Wildlife Services for federal fiscal year 2007 is less than \$400,000, then \$65,000 of game and fish funds are appropriated for wildlife services programs.

REPORT OF STANDING COMMITTEE

HB 1013, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 4, replace the first "and" with "to provide for a legislative council study;" and replace "sections" with "section"

Page 1, line 5, remove "15.1-02-01 and" and remove "the qualifications and"

Page 1, line 6, after "instruction" insert "; and to declare an emergency"

Page 3, line 8, replace "742,596" with "696,239"

Page 3, line 9, replace "2,109,485" with "1,834,485"

Page 3, line 11, replace "21,473,769" with "63,227,405"

Page 3, line 12, replace "2,104,629" with "(19,375,371)"

Page 3, line 14, replace "(941,880)" with "(16,215,516)"

Page 3, line 15, replace "25,403,839" with "25,693,839"

Page 3, line 19, replace "52,968,743" with "57,937,386"

Page 3, line 20, replace "29,792,978" with "29,784,889"

Page 3, line 21, replace "23,175,765" with "28,152,497"

Page 3, line 24, replace "138,550" with "135,555"

Page 3, line 27, replace "494,368" with "491,373"

Page 3, line 28, replace "27,568" with "27,194"

Page 3, line 29, replace "466,800" with "464,179"

Page 4, line 1, replace "84,501" with "77,887"

Page 4, line 4, replace "606,378" with "599,764"

Page 4, line 5, replace "330,918" with "330,793"

Page 4, line 6, replace "275,460" with "268,971"

Page 4, line 9, replace "128,781" with "145,411"

Page 4, line 12, replace "86,641" with "103,271"

Page 4, line 13, replace "(323,317)" with "(323,935)"

Page 4, line 14, replace "409,958" with "427,206"

Page 4, line 15, replace "24,327,983" with "29,312,853"

Page 4, line 16, replace "29,828,147" with "29,818,941"

Page 4, line 17, replace "54,156,130" with "59,131,794"

Page 4, line 27, replace "10,020,282" with "9,973,925"

Page 4, line 28, replace "15,167,308" with "14,892,308"

Page 4, line 29, replace "510,853,759" with "552,607,395"

Page 4, line 30, replace "71,600,000" with "50,120,000"

Page 5, line 2, replace "50,912,120" with "35,638,484"

Page 5, line 3, replace "207,659,083" with "207,949,083"

Page 5, line 5, replace "923,752,552" with "928,721,195"

Page 5, line 6, replace "295,851,781" with "295,843,692"

Page 5, line 7, replace "627,900,771" with "632,877,503"

Page 5, line 10, replace "2,217,121" with "2,214,126"

Page 5, line 13, replace "5,151,393" with "5,148,398"

Page 5, line 14, replace "1,657,547" with "1,657,173"

Page 5, line 15, replace "3,493,846" with "3,491,225"

Page 5, line 18, replace "4,894,309" with "4,887,695"

Page 5, line 21, replace "6,551,069" with "6,544,455"

Page 5, line 22, replace "1,202,367" with "1,202,242"

Page 5, line 23, replace "5,348,702" with "5,342,213"

Page 5, line 26, replace "2,669,073" with "2,685,703"

Page 5, line 29, replace "3,343,849" with "3,360,479"

Page 5, line 30, replace "844,066" with "843,448"

Page 5, line 31, replace "2,499,783" with "2,517,031"

Page 6, line 4, after "workbook" insert "including civic education"

Page 6, line 6, replace "639,391,902" with "644,376,772"

Page 6, line 7, replace "299,555,761" with "299,546,555"

Page 6, line 8, replace "938,947,663" with "943,923,327"

Page 6, after line 8, insert:

"SECTION 5. APPROPRIATION. There is appropriated from special funds derived from federal funds and other income the sum of \$15,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing grants for the period beginning with the effective date of this Act and ending June 30, 2005."

Page 8, replace lines 3 through 10 with:

"SECTION 14. LEGISLATIVE COUNCIL STUDY - SCHOOL FOR THE DEAF AND VISION SERVICES - SCHOOL FOR THE BLIND. The legislative council shall consider studying, during the 2005-06 interim, the potential for cooperative field service delivery between vision services - school for the blind and the school for the deaf. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Page 8, after line 17, insert:

"SECTION 16. EMERGENCY. Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1013 - Summary of Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|--|---------------------|------------------|-------------------|-------------------|
| Department of Public Instruction | | | | |
| Total all funds | \$930,021,612 | \$923,752,552 | \$4,968,643 | \$928,721,195 |
| Less estimated income | 295,876,672 | 295,851,781 | (8,089) | 295,843,692 |
| General fund | \$634,144,940 | \$627,900,771 | \$4,976,732 | \$632,877,503 |
| Division of Independent Study | | | | |
| Total all funds | \$0 | \$148,800 | \$0 | \$148,800 |
| Less estimated income | | | | |
| General fund | \$0 | \$148,800 | \$0 | \$148,800 |
| State Library | | | | |
| Total all funds | \$5,160,201 | \$5,151,393 | (\$2,995) | \$5,148,398 |
| Less estimated income | 1,658,575 | 1,657,547 | (374) | 1,657,173 |
| General fund | \$3,501,626 | \$3,493,846 | (\$2,621) | \$3,491,225 |
| School for the Deaf | | | | |
| Total all funds | \$6,815,119 | \$6,551,069 | (\$6,614) | \$6,544,455 |
| Less estimated income | 1,326,566 | 1,202,367 | (125) | 1,202,242 |
| General fund | \$5,488,553 | \$5,348,702 | (\$6,489) | \$5,342,213 |
| North Dakota Vision Services - School for the Blind | | | | |
| Total all funds | \$3,349,030 | \$3,343,849 | \$16,630 | \$3,360,479 |
| Less estimated income | 845,535 | 844,066 | (618) | 843,448 |
| General fund | \$2,503,495 | \$2,499,783 | \$17,248 | \$2,517,031 |
| Bill Total | | | | |
| Total all funds | \$945,345,962 | \$938,947,663 | \$4,975,664 | \$943,923,327 |
| Less estimated income | 299,707,348 | 299,555,761 | (9,206) | 299,546,555 |
| General fund | \$645,638,614 | \$639,391,902 | \$4,984,870 | \$644,376,772 |

House Bill No. 1013 - Department of Public Instruction - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|--------------------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$10,057,842 | \$10,020,282 | (\$46,357) | \$9,973,925 |
| Operating expenses | 14,892,308 | 15,167,308 | (275,000) | 14,892,308 |
| Grants - State school aid | 512,153,759 | 510,853,759 | 41,753,636 | 552,607,395 |
| Grants - Tuition apportionment | 71,600,000 | 71,600,000 | (21,480,000) | 50,120,000 |
| Grants - Special education | 52,500,000 | 52,500,000 | | 52,500,000 |
| Grants - Revenue supplement | 7,500,000 | 5,000,000 | | 5,000,000 |
| Grants - Teacher compensation | 50,912,120 | 50,912,120 | (15,273,636) | 35,638,484 |
| Grants - Other grants | 207,865,583 | 207,659,083 | 290,000 | 207,949,083 |
| Reorganization bonuses | 500,000 | | | |
| JPA incentives | 2,000,000 | | | |
| National board certification | 40,000 | 40,000 | | 40,000 |
| Total all funds | \$930,021,612 | \$923,752,552 | \$4,968,643 | \$928,721,195 |
| Less estimated income | 295,876,672 | 295,851,781 | (8,089) | 295,843,692 |
| General fund | \$634,144,940 | \$627,900,771 | \$4,976,732 | \$632,877,503 |
| FTE | 92.75 | 92.75 | 0.00 | 92.75 |

Dept. 201 - Department of Public Instruction - Detail of Senate Changes

| | | | | | |
|--|---|--|--|---|--|
| REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE | REDUCES FUNDING FOR SALARIES AND WAGES | REDUCES FUNDING FOR OPERATING EXPENSES ¹ | REALLOCATES AND INCREASES FUNDING FOR STATE SCHOOL AID ² | RESTORES FUNDING FOR THE NORTH DAKOTA LEAD CENTER ³ | RESTORES THE INCREASE IN FUNDING FOR THE NORTH DAKOTA MUSEUM OF ART ⁴ |
|--|---|--|--|---|--|

| | | | | | | |
|--------------------------------|------------|------------|-------------|--------------|----------|-----------|
| Salaries and wages | (\$11,357) | (\$35,000) | | | | |
| Operating expenses | | | (\$275,000) | | | |
| Grants - State school aid | | | | \$41,753,636 | | |
| Grants - Tuition apportionment | | | | (21,480,000) | | |
| Grants - Special education | | | | | | |
| Grants - Revenue supplement | | | | | | |
| Grants - Teacher compensation | | | | (15,273,636) | | |
| Grants - Other grants | | | | | \$20,000 | \$125,000 |
| Reorganization bonuses | | | | | | |
| JPA incentives | | | | | | |
| National board certification | | | | | | |
| Total all funds | (\$11,357) | (\$35,000) | (\$275,000) | \$5,000,000 | \$20,000 | \$125,000 |
| Less estimated income | (8,089) | | | | | |
| General fund | (\$3,268) | (\$35,000) | (\$275,000) | \$5,000,000 | \$20,000 | \$125,000 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

RESTORES
FUNDING
FOR THE
NORTH
DAKOTA
GOVERNOR'S
SCHOOL ⁵

RESTORES THE
INCREASE IN
FUNDING
FOR THE
NATIONAL
WRITING
PROJECTS ⁶

INCREASES
FUNDING FOR
ADULT
EDUCATION ⁷

TOTAL
SENATE
CHANGES

| | | | | |
|--------------------------------|----------|----------|----------|--------------|
| Salaries and wages | | | | (\$46,357) |
| Operating expenses | | | | (275,000) |
| Grants - State school aid | | | | 41,753,636 |
| Grants - Tuition apportionment | | | | (21,480,000) |
| Grants - Special education | | | | |
| Grants - Revenue supplement | | | | |
| Grants - Teacher compensation | | | | (15,273,636) |
| Grants - Other grants | \$20,000 | \$40,000 | \$85,000 | 290,000 |
| Reorganization bonuses | | | | |
| JPA incentives | | | | |
| National board certification | | | | |
| Total all funds | \$20,000 | \$40,000 | \$85,000 | \$4,968,643 |
| Less estimated income | | | | (8,089) |
| General fund | \$20,000 | \$40,000 | \$85,000 | \$4,976,732 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment reduces funding for operating expenses by \$275,000 from the general fund.

² This amendment reallocates funding from tuition apportionment payments (\$21,480,000) and teacher compensation payments (\$15,273,636) to state school aid payments and increases funding from the general fund for state school aid payments. The following is a summary of the changes:

| | 2005-07 EXECUTIVE BUDGET | 2005-07 HOUSE VERSION | 2005-07 SENATE VERSION |
|---|--------------------------------|-----------------------------|------------------------------|
| State school aid | | | |
| Per student payments | \$476,703,759 | \$493,453,759 | \$518,457,395 |
| Limited English proficient student payments | 650,000 | 650,000 | 650,000 |
| Transportation aid payments | 34,800,000 | 16,750,000 | 33,500,000 |
| Total state school aid | \$512,153,759 | \$510,853,759 | \$552,607,395 |
| Tuition apportionment | \$71,600,000 | \$71,600,000 | \$50,120,000 |
| Teacher compensation payments | 50,912,120 | 50,912,120 | 35,638,484 |
| Total | \$634,665,879 | \$633,365,879 | \$638,365,879 |

³ This amendment restores funding of \$20,000 from the general fund for the North Dakota LEAD Center. The House removed the increase in funding of \$21,500 from the general fund provided in the executive budget recommendation for the center.

⁴ This amendment restores funding of \$125,000 from the general fund for the North Dakota Museum of Art educational outreach initiative. The House removed the increase in funding provided in the executive budget recommendation for the initiative.

⁵ This amendment restores funding of \$20,000 from the general fund for the North Dakota Governor's School. The House decreased funding for the Governor's School by \$20,000, from \$270,000 to \$250,000.

⁶ This amendment restores the funding of \$40,000 from the general fund for the national writing projects. The House removed the increase in funding provided in the executive budget recommendation.

⁷ This amendment increases funding for adult education by \$85,000, from \$920,000 to \$1,005,000.

This amendment also:

- Adds a section appropriating \$15 million of special funds to the department for providing grants to school districts during the 2003-05 biennium.
- Removes Section 13 of the engrossed bill amending North Dakota Century Code Section 15.1-02-01 relating to the qualification of the Superintendent of Public Instruction.

House Bill No. 1013 - State Library - Senate Action

EXECUTIVE

HOUSE

SENATE

SENATE

| | BUDGET | VERSION | CHANGES | VERSION |
|-----------------------|------------------|------------------|--------------|------------------|
| Salaries and wages | \$2,225,929 | \$2,217,121 | (\$2,995) | \$2,214,126 |
| Operating expenses | 1,381,772 | 1,381,772 | | 1,381,772 |
| Grants | <u>1,552,500</u> | <u>1,552,500</u> | | <u>1,552,500</u> |
| Total all funds | \$5,160,201 | \$5,151,393 | (\$2,995) | \$5,148,398 |
| Less estimated income | <u>1,658,575</u> | <u>1,657,547</u> | <u>(374)</u> | <u>1,657,173</u> |
| General fund | \$3,501,626 | \$3,493,846 | (\$2,621) | \$3,491,225 |
| FTE | 28.75 | 28.75 | 0.00 | 28.75 |

Dept. 250 - State Library - Detail of Senate Changes

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE | TOTAL SENATE CHANGES |
|-----------------------|--|----------------------------|
| Salaries and wages | (\$2,995) | (\$2,995) |
| Operating expenses | | |
| Grants | | |
| Total all funds | (\$2,995) | (\$2,995) |
| Less estimated income | <u>(374)</u> | <u>(374)</u> |
| General fund | (\$2,621) | (\$2,621) |
| FTE | 0.00 | 0.00 |

House Bill No. 1013 - School for the Deaf - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$5,106,474 | \$4,894,309 | (\$6,614) | \$4,887,695 |
| Operating expenses | 1,429,150 | 1,377,265 | | 1,377,265 |
| Capital assets | <u>279,495</u> | <u>279,495</u> | | <u>279,495</u> |
| Total all funds | \$6,815,119 | \$6,551,069 | (\$6,614) | \$6,544,455 |
| Less estimated income | <u>1,326,566</u> | <u>1,202,367</u> | <u>(125)</u> | <u>1,202,242</u> |
| General fund | \$5,488,553 | \$5,348,702 | (\$6,489) | \$5,342,213 |
| FTE | 49.94 | 47.94 | 0.00 | 47.94 |

Dept. 252 - School for the Deaf - Detail of Senate Changes

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE | TOTAL SENATE CHANGES |
|-----------------------|--|----------------------------|
| Salaries and wages | (\$6,614) | (\$6,614) |
| Operating expenses | | |
| Capital assets | | |
| Total all funds | (\$6,614) | (\$6,614) |
| Less estimated income | <u>(125)</u> | <u>(125)</u> |
| General fund | (\$6,489) | (\$6,489) |
| FTE | 0.00 | 0.00 |

House Bill No. 1013 - North Dakota Vision Services - School for the Blind - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$2,674,254 | \$2,669,073 | \$16,630 | \$2,685,703 |
| Operating expenses | 607,306 | 607,306 | | 607,306 |
| Capital assets | <u>67,470</u> | <u>67,470</u> | | <u>67,470</u> |
| Total all funds | \$3,349,030 | \$3,343,849 | \$16,630 | \$3,360,479 |
| Less estimated income | <u>845,535</u> | <u>844,066</u> | <u>(618)</u> | <u>843,448</u> |
| General fund | \$2,503,495 | \$2,499,783 | \$17,248 | \$2,517,031 |
| FTE | 26.95 | 26.95 | 0.00 | 26.95 |

Dept. 253 - North Dakota Vision Services - School for the Blind - Detail of Senate Changes

| | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE | INCREASES FUNDING FOR TEMPORARY SALARIES | TOTAL SENATE CHANGES |
|-----------------------|--|---|----------------------------|
| Salaries and wages | (\$3,370) | \$20,000 | \$16,630 |
| Operating expenses | | | |
| Capital assets | | | |
| Total all funds | (\$3,370) | \$20,000 | \$16,630 |
| Less estimated income | (618) | | (618) |
| General fund | (\$2,752) | \$20,000 | \$17,248 |
| FTE | 0.00 | 0.00 | 0.00 |

House Bill No. 1013 - Other Changes - Senate Action

This amendment also adds a section providing for a Legislative Council study of the potential for cooperative field service delivery between North Dakota Vision Services - School for the Blind and the School for the Deaf.

REPORT OF STANDING COMMITTEE

HB 1181, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1181, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 700 of the Senate Journal, Reengrossed House Bill No. 1181 is amended as follows:

Page 1, line 16, overstrike "Interest" and insert immediately thereafter "Any interest"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the previous Senate amendment and sets the pre-need funeral allowance at \$5,000.

REPORT OF STANDING COMMITTEE

HB 1527, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1527 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2149, as engrossed: Your conference committee (Sens. Dever, Brown, Warner and Reps. Devlin, Damschen, Potter) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 734, adopt amendments as follows, and place SB 2149 on the Seventh order:

That the House recede from its amendments as printed on page 734 of the Senate Journal and page 889 of the House Journal and that Engrossed Senate Bill No. 2149 be amended as follows:

Page 1, line 14, remove the underscored colon

Page 1, line 15, replace "a. The" with "the"

Page 1, line 16, remove the underscored semicolon

Page 1, line 17, replace "b. The" with "the"

Page 1, line 18, after the underscored period insert "If a county is released from the county's duty to supervise and administer designated child welfare services under this subsection, the county retains its financial responsibility for providing those services unless otherwise negotiated and approved by the department."

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

SB 2297: Your conference committee (Sens. Dever, Lyson, Warner and Reps. Pietsch, Price, Potter) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 897, adopt amendments as follows, and place SB 2297 on the Seventh order:

That the House recede from its amendments as printed on page 897 of the Senate Journal and page 1144 of the House Journal and that Senate Bill No. 2297 be amended as follows:

Page 1, line 3, remove "and"

Page 1, line 4, after "committee" insert "; to provide a continuing appropriation; and to provide an expiration date"

Page 1, line 8, after "**Functions**" insert "**- Continuing appropriation**"

Page 1, after line 15, insert:

"c. Accept funds, services, or other assistance from any source. Any funds received under this section are appropriated on a continuing basis to the committee for the purpose of furthering the objectives of the committee."

Page 2, line 13, after "**Functions**" insert "**- Continuing appropriation**"

Page 2, line 14, replace "generate its own" with "may accept funds, services, or other assistance from any source. Any funds received under this section are appropriated on a continuing basis to the regional or tribal committee for the purpose of furthering the objectives of the committee"

Page 2, line 15, remove "funding sources"

Page 3, after line 11, insert:

"SECTION 5. EXPIRATION DATE. Sections 1 through 3 of this Act are effective through June 30, 2007, and after that date are ineffective."

Renumber accordingly

SB 2297 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2298, as engrossed: Your conference committee (Sens. Brown, Lyson, Warner and Reps. Kreidt, Pietsch, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 804, adopt amendments as follows, and place SB 2298 on the Seventh order:

That the House recede from its amendments printed on page 804 of the Senate Journal and page 976 of the House Journal and that Engrossed Senate Bill No. 2298 be amended as follows:

Page 1, line 5, remove "1."

Page 1, line 6, after "donation" insert "through the national marrow donor program. The department shall seek assistance from the national marrow donor program to establish a system to distribute materials, ensure that the materials are updated periodically, and address the education and recruitment of minority populations" and remove "The department shall implement a"

Page 1, remove lines 7 through 16

Page 1, line 22, remove "If there is a medical determination that the employee does not qualify as an"

Page 1, remove line 23

Page 1, line 24, remove "not be rescinded."

Renumber accordingly

Engrossed SB 2298 was placed on the Seventh order of business on the calendar.

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

William R. Horton, Secretary

