

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, March 25, 2005

The Senate convened at 11:00 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor Steve Wisthoff, First Baptist Church, Bismarck.

The roll was called and all members were present except Senator Kringstad.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 930, after line 30, insert:

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

**MR. PRESIDENT:** The Speaker has signed: SB 2024, SB 2033, SB 2099, SB 2112, SB 2159, SB 2170, SB 2183, SB 2191, SB 2202, SB 2211, SB 2219, SB 2273, SB 2345, SB 2410.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 21, 2005: SB 2024, SB 2033, SB 2099, SB 2112, SB 2159, SB 2170, SB 2183, SB 2191, SB 2202, SB 2211, SB 2219, SB 2273, SB 2345, SB 2410."

Page 987, line 5, replace "January" with "March"

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

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 22, 2005, I have signed the following: SB 2112 and SB 2170.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 23, 2005, I have signed the following: SB 2033.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 25, 2005, I have signed the following: SB 2074, SB 2076, SB 2082, SB 2094, SB 2121, SB 2132, SB 2150, SB 2158, SB 2162, SB 2167, SB 2194, SB 2201, SB 2209, SB 2220, SB 2231, SB 2252, SB 2260, SB 2293, SB 2295, SB 2338, SB 2349, SB 2351, and SB 2401.

**REPORT OF DELAYED BILLS COMMITTEE**

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of 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.

The resolution will be SCR 4040.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate reconsider its action whereby Reengrossed HB 1181 passed, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that Reengrossed HB 1181 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Reengrossed HB 1181 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and that after action taken on the Sixth order, Engrossed HB 1284 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1154, as reengrossed: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ pages 1000-1016 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1163, as engrossed: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 1016-1017 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1222, as engrossed: SEN. COOK (Political Subdivisions Committee) MOVED** that the amendments on SJ page 1017 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1313, as engrossed: SEN. HACKER (Judiciary Committee) MOVED** that the amendments on SJ pages 1018-1019 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1258, as engrossed: SEN. FAIRFIELD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 1017 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1437, as engrossed: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 1019 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1505, as engrossed: SEN. HACKER (Judiciary Committee) MOVED** that the amendments on SJ page 1019 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HCR 3055: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 1020 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1284, as engrossed: SEN. NELSON (Judiciary Committee) MOVED** that the amendments on SJ page 1018 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1284:** A BILL for an Act to amend and reenact section 51-12-01 of the North Dakota Century Code, relating to false and misleading advertising; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1284, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2413:** A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by employees of the department of career and technical education in the public employees retirement system; to amend and reenact section 15-39.1-09, subsection 4 of section 54-52-01, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to participation by employees of the department of career and technical education in the public employees retirement system; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Cook; Dever; Fischer

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

**ABSENT AND NOT VOTING:** Kringstad

SB 2413 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1231:** A BILL for an Act to create and enact three new sections to chapter 25-07 of the North Dakota Century Code, relating to the provision of services to individuals who are deaf or hearing impaired; and to amend and reenact sections 25-07-01, 25-07-04, 25-07-05, 25-07-06, 25-07-08, and 25-07-11 of the North Dakota Century Code, relating to the school for the deaf.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1231, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to amend and reenact sections 23-25-11 and 42-04-01 of the North Dakota Century Code, relating to animal feeding operations and livestock auction markets.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Kringstad

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

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**SECOND READING OF HOUSE BILL**

**HB 1348:** A BILL for an Act to amend and reenact sections 14-07.1-10 and 14-07.1-12 of the North Dakota Century Code, relating to domestic violence arrest procedures and reports.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Kringstad

HB 1348, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1473:** A BILL for an Act to provide for a commission on alternatives to incarceration; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Kringstad

Reengrossed HB 1473, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1120:** A BILL for an Act to create and enact a new subsection to section 65-05-32 of the North Dakota Century Code, relating to use of social security numbers by workforce safety and insurance; to amend and reenact sections 65-01-02, 65-01-17, and 65-05-20.1, subsection 1 of section 65-05-25, and section 65-05-30 of the North Dakota Century Code, relating to workforce safety and insurance definitions of child and grandchild, the agricultural employment exemption, scholarship fund distribution rules, lump sum settlements, and communications regarding medical treatment; and to provide for application.

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

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

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

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1120 passed and the title was agreed to.

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

**HB 1171:** A BILL for an Act to amend and reenact sections 65-01-02, 65-05.1-01, 65-05.1-02.1, 65-05.1-04, and 65-05.1-06.1 of the North Dakota Century Code, relating to the definition of permanent total disability and temporary total disability, vocational rehabilitation options, eligibility for partial disability benefits, elective vocational rehabilitation retraining, and vocational rehabilitation noncompliance appeals for workforce safety and insurance purposes; to provide an effective date; and to provide for application.

#### **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 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Dever; Erbele; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Cook; Espegard; Every; Fairfield; Fischer; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nething; O'Connell; Robinson; Seymour; Syverson; Taylor; Traynor; Triplett; Warner

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1171 passed and the title was agreed to.

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

**HB 1119:** A BILL for an Act to amend and reenact section 65-05-28 of the North Dakota Century Code, relating to drug testing of injured workers for workforce safety and insurance purposes; to provide for application; and to provide an effective date.

#### **ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1119 lost.

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

**HB 1168:** A BILL for an Act to amend and reenact section 6-01-07.1 of the North Dakota Century Code, relating to confidentiality of department of financial institutions records.

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

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

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1168 passed and the title was agreed to.

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

**HB 1274:** A BILL for an Act to amend and reenact section 61-24.3-07 of the North Dakota Century Code, relating to southwest pipeline water delivery rates and charges for large industrial users; and to declare an emergency.

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

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

**ABSENT AND NOT VOTING:** Kringstad

HB 1274 passed, the title was agreed to, and the emergency clause was declared carried.

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

**HB 1475:** A BILL for an Act to create and enact a new section to chapter 43-23 of the North Dakota Century Code, relating to real estate salesperson licenses for business organizations.

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

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

**ABSENT AND NOT VOTING:** Kringstad

HB 1475 passed and the title was agreed to.

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

**HB 1528:** A BILL for an Act to provide for inspection and repair recommendations for the veterans' memorial on the capitol grounds.

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

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

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1528 passed and the title was agreed to.

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### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3035:** A concurrent resolution for the amendment of section 25 of article XI of the Constitution of North Dakota, relating to internet live poker.

### **ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Syverson; Traynor; Triplett

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

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HCR 3035 was declared lost on a roll call vote.

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### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3017:** A concurrent resolution urging Congress to pass a human life amendment to the Constitution of the United States.

### **MOTION**

**SEN. TRIPLETT MOVED** that HCR 3017, as amended, be further amended as follows:

Page 1, line 1, after "resolution" replace the remainder of the resolution with "urging Congress not to pass a human life amendment, but instead to pass legislation to increase access to family planning programs, to fund programs to reduce the incidence of teen pregnancy, and to expand insurance coverage for prescription birth control.

**WHEREAS**, the Legislative Assembly finds that the state of North Dakota has a compelling and paramount interest in ensuring that all children born in this state are born to parents who want them and are capable of loving and caring for them; and

**WHEREAS**, the Legislative Assembly finds that the life of all human beings should be treated with dignity and respect; and

**WHEREAS**, teenage pregnancies and unplanned and unwanted pregnancies impose significant health and psychological risks to pregnant teens and women; and

**WHEREAS**, Title X, a federally funded, nationwide program, has provided comprehensive family planning services to millions of low-income and moderate-income women continuously since 1971; and

**WHEREAS**, each year, publicly supported contraceptive services help prevent 1.3 million unintended pregnancies and thereby prevent an estimated 632,000 abortions annually; and

**WHEREAS**, research indicates that 7 percent of all women in the United States use no contraceptives, and that these women account for approximately one-half of all abortions; and

**WHEREAS**, family planning providers play a major role in the effort to prevent teen pregnancy in the United States, by providing educational programs about sexuality, pregnancy prevention, and personal responsibility, which efforts have resulted in declining teen pregnancy rates for each of the past 12 years; and

**WHEREAS**, a majority of Americans, 57 to 59 percent, consistently indicate that they want abortions to remain legal, but an even larger majority, 69 percent, consistently indicate that they oppose late-term abortions; and

**WHEREAS**, these statistics indicate that the majority of American citizens have a certain ambivalence about abortion, and would likely accept additional regulation of late-term abortions, but that they do not support a human life amendment that would outlaw all abortions;

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

That the Fifty-ninth Legislative Assembly strongly urges the Congress of the United States to increase funding for Title X family planning programs, to increase funding for teen pregnancy prevention programs, and to enact legislation to expand insurance coverage for prescription birth control; and

**BE IT FURTHER RESOLVED**, that the Fifty-ninth Legislative Assembly strongly urges the Congress of the United States not to support an amendment to the Constitution of the United States that would have the effect of outlawing all abortions; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Governor of North Dakota, the Chief Justice of the North Dakota Supreme Court, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

#### **REQUEST**

**SEN. TRIPLETT REQUESTED** a verification vote on the proposed floor amendments to HCR 3017, as amended, which request was granted.

The proposed floor amendments to HCR 3017, as amended, failed on a verification vote.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3017, as amended, was declared adopted, and the title was agreed to on a voice vote.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3041:** A concurrent resolution directing the Legislative Council to study the interim study process, including the method by which topics are selected for study by the Legislative Council.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3041 was declared lost on a voice vote.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3042:** A concurrent resolution directing the Legislative Council to study the laws of this state and other states as they relate to the unauthorized acquisition, theft, and misuse of personal indentifying information belonging to another individual.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3042 passed and the title was agreed to on a voice vote.



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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3047:** A concurrent resolution directing the Legislative Council to study sentencing alternatives with an emphasis on the expanded use of rehabilitation over incarceration, the provision of more treatment options, and the adequate funding of treatment programs.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3047 was declared adopted, and the title was agreed to on a voice vote.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRENBEATH MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2047 as printed on SJ page 948 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 2047: Sens. Trenbeath, Nething, Bercier.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRENBEATH MOVED** that the Senate do not concur in the House amendments to SB 2096 as printed on SJ pages 972-973 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 2096: Sens. Mutch, Espégard, Bercier.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2188 as printed on SJ page 927 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2188: Sens. Cook, Wardner, Every.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2200 as printed on SJ pages 973-974 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 2200: Sens. Trenbeath, Hacker, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRENBEATH MOVED** that the Senate do not concur in the House amendments to SB 2205 as printed on SJ page 873 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 2205: Sens. Espégard, Nething, Warner.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2361 as printed on SJ pages 948-949 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 2361: Sens. Dever, G. Lee, Fairfield.

**MOTION**

**SEN. CHRISTMANN MOVED** that the procedure under Senate Rule 352 be that Senate bills and concurrent resolutions be messaged to the House for signatures before the President signs those measures, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that Senate Rule 338 be amended to read "fifty-seventh" in place of "fifty-fifth", thereby extending the deadline for reporting bills and resolutions out of committee, which motion prevailed.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2047, SB 2096, SB 2188, SB 2200, SB 2205, and SB 2361 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2047:** Sens. Trenbeath; Nething; Bercier

**SB 2096:** Sens. Mutch; Espegard; Bercier

**SB 2188:** Sens. Cook; Wardner; Every

**SB 2200:** Sens. Trenbeath; Hacker; Nelson

**SB 2205:** Sens. Espegard; Nething; Warner

**SB 2361:** Sens. Dever; G. Lee; Fairfield

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1120, HB 1168, HB 1171, HB 1475, HB 1528, HCR 3042, HCR 3047.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1274.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3017.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1231, HB 1284, HB 1291, HB 1348.

**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 1473.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1089, HB 1119, HCR 3035, HCR 3041.

**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 1209, HB 1259, HB 1290, HB 1438, HB 1453, and HCR 3048 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1209:** Reps. Belter; Headland; Froelich

**HB 1259:** Reps. Carlson; Monson; Williams

**HB 1290:** Reps. Bernstein; Maragos; Onstad

**HB 1438:** Reps. Herbel; N. Johnson; Kaldor

**HB 1453:** Reps. Grande; Galvin; Potter

**HCR3048:** Reps. Kretschmar; Kasper; Sandvig

**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 2256:** Reps. Nelson; DeKrey; Hanson

**SB 2266:** Reps. Nelson; Porter; Sandvig

**SB 2294:** Reps. Nottestad; D. Johnson; S. Kelsh

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2300.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2300**

Page 1, line 1, after "to" insert "create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to smoke-free exceptions; to"

Page 2, line 11, after "beverages" insert ", including bars located within hotels or restaurants which are in separate enclosed areas vented directly to the outdoors which are not licensed primarily or exclusively to sell alcoholic beverages"

Page 2, line 26, replace "Health care services" with:

"7. "Health care services""

Page 2, line 27, after the fifth underscored comma insert "and" and replace ", and" with an underscored period

Page 2, remove lines 28 and 29

Page 2, line 30, replace "7." with "8."

Page 3, line 4, replace "8." with "9."

Page 3, line 22, replace "9." with "10."

Page 3, line 25, replace "10." with "11."

Page 4, line 1, replace "11." with "12."

Page 4, line 4, replace "12." with "13."

Page 4, line 6, replace "13." with "14."

Page 4, line 9, replace "14." with "15."

Page 5, remove lines 17 and 18

Page 5, line 19, replace "g." with "f." and remove ", until August 1, 2007"

Page 5, replace lines 20 through 22 with:

"g. Any place of public access rented or leased for private functions from which the general public and children are excluded and arrangements for the function are under the control of the function sponsor."

Page 6, after line 24, insert:

"**SECTION 4.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

Exceptions - Medical necessity.

1. Notwithstanding the provisions of any other state or local law, a patient may smoke in a hospital licensed by the state or on the grounds of a hospital licensed by the state if the patient's attending physician authorizes the activity based on medical policies adopted by the hospital organized medical staff.
2. Notwithstanding the provisions of any other state or local law, a resident of a licensed basic care facility or a licensed nursing facility may smoke in the facility or on the grounds of the facility if approved by the board of the facility."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2389.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2006, SB 2073, SB 2232, SB 2290, SB 2325, SB 2335, SB 2362, SB 2375, SB 2378, SB 2393.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4013, SCR 4023, SCR 4034.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HCR 3026, HCR 3033.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1051, HB 1116, HB 1130, HB 1140, HB 1141, HB 1185.

#### MOTION

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

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 28, 2005, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2412: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2412 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1001, 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 1001 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "178,703" with "256,471"

Page 2, line 7, replace "1,949,836" with "2,027,604"

Page 2, line 9, replace "169,836" with "247,604"

Page 2, line 16, replace "2,188,553" with "2,266,321"

Page 2, line 21, replace "5,061,722" with "5,139,490"

Page 2, line 23, replace "2,501,722" with "2,579,490"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1001 - Governor's Office - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,277,603	\$2,188,553	\$77,768	\$2,266,321
Operating expenses	352,369	352,369		352,369
Grants	2,500,000	2,500,000		2,500,000
Contingencies	10,000	10,000		10,000
Roughrider Awards	<u>10,800</u>	<u>10,800</u>		<u>10,800</u>
Total all funds	\$5,150,772	\$5,061,722	\$77,768	\$5,139,490
Less estimated income	<u>2,560,000</u>	<u>2,560,000</u>		<u>2,560,000</u>
General fund	\$2,590,772	\$2,501,722	\$77,768	\$2,579,490
FTE	18.00	18.00	0.00	18.00

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

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	RESTORES FUNDING FOR SENIOR ADVISOR <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$2,122)	\$79,890	\$77,768
Operating expenses			
Grants			

Contingencies			
Roughrider Awards			
Total all funds	(\$2,122)	\$79,890	\$77,768
Less estimated income			
General fund	(\$2,122)	\$79,890	\$77,768
FTE	0.00	0.00	0.00

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

#### REPORT OF STANDING COMMITTEE

**HB 1002, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide an exemption;"

Page 1, line 3, replace "section" with "sections" and after "54-09-05" insert "and 54-09-08"

Page 1, line 4, after "state" insert "and the secretary of state's general services operating fund"

Page 2, line 7, replace "133,738" with "130,493"

Page 2, line 10, replace "79,853" with "79,728"

Page 2, line 11, replace "279,063" with "275,693"

Page 2, line 12, replace "63,378" with "63,253"

Page 2, line 13, replace "215,685" with "212,440"

Page 2, line 18, replace "206,685" with "203,440"

Page 2, line 19, replace "63,378" with "63,253"

Page 2, line 20, replace "270,063" with "266,693"

Page 2, line 29, replace "2,287,356" with "2,284,111"

Page 3, line 2, replace "9,579,853" with "9,579,728"

Page 3, line 3, replace "13,966,270" with "13,962,900"

Page 3, line 4, replace "9,943,741" with "9,943,616"

Page 3, line 5, replace "4,022,529" with "4,019,284"

Page 3, line 10, replace "4,349,529" with "4,346,284"

Page 3, line 11, replace "9,943,741" with "9,943,616"

Page 3, line 12, replace "14,293,270" with "14,289,900"

Page 3, after line 17, insert:

**"SECTION 5. EXEMPTION.** The appropriation contained in subdivision 1 of section 1 of chapter 2 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$105,000, and this amount may be used as state matching funds for federal election reform funding available to the state, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 3, after line 23, insert:

**"SECTION 7. AMENDMENT.** Section 54-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-09-08. Secretary of state's general services operating fund.** The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be used pursuant to legislative appropriations for the provision of services under section 16.1-02-15, subsection 6 of section 41-09-94,

subsection 9 of section 54-09-04, and sections 54-09-10 and 54-09-11. At the close of each ~~fiscal year~~ biennium, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund."

Page 3, line 24, after "3" insert "and section 5"

Page 3, line 25, replace "is" with "are"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1002 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Secretary of State				
Total all funds	\$14,521,822	\$13,966,270	(\$3,370)	\$13,962,900
Less estimated income	10,316,535	9,943,741	(125)	9,943,616
General fund	\$4,205,287	\$4,022,529	(\$3,245)	\$4,019,284
Public Printing				
Total all funds	\$327,000	\$327,000	\$0	\$327,000
Less estimated income				
General fund	\$327,000	\$327,000	\$0	\$327,000
Bill Total				
Total all funds	\$14,848,822	\$14,293,270	(\$3,370)	\$14,289,900
Less estimated income	10,316,535	9,943,741	(125)	9,943,616
General fund	\$4,532,287	\$4,349,529	(\$3,245)	\$4,346,284

#### House Bill No. 1002 - Secretary of State - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,296,214	\$2,287,356	(\$3,245)	\$2,284,111
Operating expenses	2,326,061	2,076,061		2,076,061
Capital assets	15,000	15,000		15,000
Petition review	8,000	8,000		8,000
Election reform	9,876,547	9,579,853	(125)	9,579,728
Total all funds	\$14,521,822	\$13,966,270	(\$3,370)	\$13,962,900
Less estimated income	10,316,535	9,943,741	(125)	9,943,616
General fund	\$4,205,287	\$4,022,529	(\$3,245)	\$4,019,284
FTE	27.00	27.00	0.00	27.00

#### Dept. 108 - Secretary of State - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	TOTAL SENATE CHANGES
Salaries and wages	(\$3,245)	(\$3,245)
Operating expenses		
Capital assets		
Petition review		
Election reform	(125)	(125)
Total all funds	(\$3,370)	(\$3,370)
Less estimated income	(125)	(125)
General fund	(\$3,245)	(\$3,245)
FTE	0.00	0.00

A section is added as an emergency authorizing the Secretary of State to continue, for the 2005-07 biennium, any unspent appropriation authority remaining from the agency's authorized carryover from the 2001-03 biennium of up to \$105,000 for providing state matching funds for federal election reform funding.

A section is added amending Section 54-09-08 requiring the Secretary of State to transfer any amounts in the Secretary of State's general services operating fund exceeding \$75,000 at the end of a biennium to the general fund rather than at the end of each fiscal year.

#### REPORT OF STANDING COMMITTEE

**HB 1004, 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 1004 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "645,152" with "638,288"

Page 1, line 20, replace "813,676" with "806,812"

Page 1, line 21, replace "301,913" with "299,791"

Page 1, line 22, replace "511,763" with "507,021"

Page 2, line 4, replace "6,626,589" with "6,619,725"

Page 2, line 7, replace "7,512,884" with "7,506,020"

Page 2, line 8, replace "2,419,889" with "2,417,767"

Page 2, line 9, replace "5,092,995" with "5,088,253"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1005, 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 1005 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "46,396" with "45,647"

Page 1, line 19, replace "(\$286,371)" with "(\$287,120)"

Page 2, line 1, replace "640,226" with "639,477"

Page 2, line 4, replace "2,340,013" with "2,339,264"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1005 - State Treasurer - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$632,813	\$640,226	(\$749)	\$639,477
Operating expenses	154,787	154,787		154,787
In lieu of tax payments	<u>1,545,000</u>	<u>1,545,000</u>		<u>1,545,000</u>
Total all funds	\$2,332,600	\$2,340,013	(\$749)	\$2,339,264
Less estimated income				
General fund	\$2,332,600	\$2,340,013	(\$749)	\$2,339,264
FTE	6.00	6.00	0.00	6.00

##### Dept. 120 - State Treasurer - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$749)	(\$749)
Operating expenses		
In lieu of tax payments		
Total all funds	(\$749)	(\$749)
Less estimated income		
General fund	(\$749)	(\$749)
FTE	0.00	0.00

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

**REPORT OF STANDING COMMITTEE**

**HB 1007, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "183,404" with "182,031"

Page 1, line 18, replace "344,634" with "343,261"

Page 1, line 19, replace "267,432" with "267,054"

Page 1, line 20, replace "77,202" with "76,207"

Page 2, line 3, replace "1,127,936" with "1,126,563"

Page 2, line 5, replace "1,452,279" with "1,450,906"

Page 2, line 6, replace "497,130" with "496,752"

Page 2, line 7, replace "955,149" with "954,154"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1007 - Labor Commissioner - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,132,494	\$1,127,936	(\$1,373)	\$1,126,563
Operating expenses	<u>324,343</u>	<u>324,343</u>		<u>324,343</u>
Total all funds	\$1,456,837	\$1,452,279	(\$1,373)	\$1,450,906
Less estimated income	<u>498,215</u>	<u>497,130</u>	(378)	<u>496,752</u>
General fund	\$958,622	\$955,149	(\$995)	\$954,154
FTE	11.00	11.00	0.00	11.00

**Dept. 406 - Labor Commissioner - Detail of Senate Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$1,373)	(\$1,373)
Operating expenses		
Total all funds	(\$1,373)	(\$1,373)
Less estimated income	(378)	(378)
General fund	(\$995)	(\$995)
FTE	0.00	0.00

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

**REPORT OF STANDING COMMITTEE**

**HB 1011, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "171,758" with "170,635"

Page 1, line 17, replace "29,633" with "104,633"

Page 1, line 18, replace "201,391" with "275,268"

Page 1, line 20, replace "295,772" with "369,649"

Page 2, line 3, replace "1,097,281" with "1,096,158"



Page 2, line 4, replace "495,855" with "570,855"

Page 2, line 5, replace "1,593,136" with "1,667,013"

Page 2, line 7, replace "1,375,937" with "1,449,814"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1011 - Securities Department - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,101,907	\$1,097,281	(\$1,123)	\$1,096,158
Operating expenses	<u>570,855</u>	<u>495,855</u>	<u>75,000</u>	<u>570,855</u>
Total all funds	\$1,672,762	\$1,593,136	\$73,877	\$1,667,013
Less estimated income	<u>217,199</u>	<u>217,199</u>		<u>217,199</u>
General fund	\$1,455,563	\$1,375,937	\$73,877	\$1,449,814
FTE	9.00	9.00	0.00	9.00

##### Dept. 414 - Securities Department - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	RESTORES FUNDING FOR OUTSIDE LEGAL COUNSEL COSTS <sup>2</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$1,123)		(\$1,123)
Operating expenses		<u>\$75,000</u>	<u>75,000</u>
Total all funds	(\$1,123)	\$75,000	\$73,877
Less estimated income			
General fund	(\$1,123)	\$75,000	\$73,877
FTE	0.00	0.00	0.00

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

<sup>2</sup> The Senate restored funding for the Securities Department to hire outside legal counsel specializing in securities law.

#### REPORT OF STANDING COMMITTEE

**HB 1014, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "476,684" with "473,314"

Page 1, line 15, replace "451,328" with "448,810"

Page 1, line 16, replace "25,356" with "24,504"

Page 2, line 1, replace "3,702,939" with "3,699,569"

Page 2, line 2, replace "2,894,860" with "2,892,342"

Page 2, line 3, replace "808,079" with "807,227"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1014 - Protection and Advocacy Project - Senate Action

EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
---------------------	------------------	-------------------	-------------------

Protection and Advocacy Project	<u>\$3,713,439</u>	<u>\$3,702,939</u>	<u>(\$3,370)</u>	<u>\$3,699,569</u>
Total all funds	\$3,713,439	\$3,702,939	(\$3,370)	\$3,699,569
Less estimated income	<u>2,902,975</u>	<u>2,894,860</u>	<u>(2,518)</u>	<u>2,892,342</u>
General fund	\$810,464	\$808,079	(\$852)	\$807,227
FTE	25.50	25.50	0.00	25.50

### Dept. 360 - Protection and Advocacy Project - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Protection and Advocacy Project	<u>(\$3,370)</u>	<u>(\$3,370)</u>
Total all funds	<u>(\$3,370)</u>	<u>(\$3,370)</u>
Less estimated income	<u>(2,518)</u>	<u>(2,518)</u>
General fund	<u>(\$852)</u>	<u>(\$852)</u>
FTE	0.00	0.00

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

### REPORT OF STANDING COMMITTEE

**HB 1017, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1017 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriations" insert "; and to declare an emergency"

Page 2, line 1, replace "177,549" with "174,055"

Page 2, line 5, replace "(36,637)" with "(36,762)"

Page 2, line 7, replace "833,502" with "827,137"

Page 2, line 8, replace "9,616,967" with "9,610,477"

Page 2, line 9, replace "15,799" with "15,425"

Page 2, line 10, replace "17,864,054" with "17,847,206"

Page 2, line 11, replace "10,625,002" with "10,612,621"

Page 2, line 12, replace "7,239,052" with "7,234,585"

Page 2, line 18, replace "3,746,065" with "3,742,571"

Page 2, line 22, replace "156,383" with "156,258"

Page 2, line 24, replace "7,151,866" with "7,145,501"

Page 2, line 25, replace "24,987,952" with "24,981,462"

Page 2, line 26, replace "290,945" with "290,571"

Page 2, line 27, replace "47,753,753" with "47,736,905"

Page 2, line 28, replace "31,343,718" with "31,331,337"

Page 2, line 29, replace "16,410,035" with "16,405,568"

Page 3, line 16, replace "transferred to the veterans' cemetery trust" with "retained by the adjutant general's office for continuing veterans' bonus needs"

Page 3, line 17, remove "fund"

Page 3, after line 17, insert:

**"SECTION 7. APPROPRIATION.** There is appropriated from special funds derived from federal funds the sum of \$3,000,000, or so much of the sum as may be necessary, to the adjutant general's office for the purpose of completing construction projects at federally supported facilities and roads, for the period beginning with the effective date of this Act and ending June 30, 2005.

**SECTION 8. EMERGENCY.** Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1017 - Adjutant General - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,757,644	\$3,746,065	(\$3,494)	\$3,742,571
Operating expenses	3,213,528	3,213,528		3,213,528
Capital assets	870,000	870,000		870,000
Grants	5,329,514	5,329,514		5,329,514
Civil Air Patrol	156,714	156,383	(125)	156,258
Tuition and enlistment compensation	2,007,500	2,007,500		2,007,500
Air Guard contract	7,174,492	7,151,866	(6,365)	7,145,501
Army Guard contract	25,008,357	24,987,952	(6,490)	24,981,462
Veterans' Cemetery	<u>292,003</u>	<u>290,945</u>	<u>(374)</u>	<u>290,571</u>
Total all funds	\$47,809,752	\$47,753,753	(\$16,848)	\$47,736,905
Less estimated income	<u>31,384,915</u>	<u>31,343,718</u>	<u>(12,381)</u>	<u>31,331,337</u>
General fund	\$16,424,837	\$16,410,035	(\$4,467)	\$16,405,568
FTE	139.00	139.00	0.00	139.00

#### Dept. 540 - Adjutant General - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$3,494)	(\$3,494)
Operating expenses		
Capital assets		
Grants		
Civil Air Patrol	(125)	(125)
Tuition and enlistment compensation		
Air Guard contract	(6,365)	(6,365)
Army Guard contract	(6,490)	(6,490)
Veterans' Cemetery	<u>(374)</u>	<u>(374)</u>
Total all funds	(\$16,848)	(\$16,848)
Less estimated income	<u>(12,381)</u>	<u>(12,381)</u>
General fund	(\$4,467)	(\$4,467)
FTE	0.00	0.00

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

This amendment also amends Section 6 of the engrossed bill to provide that any unspent general fund appropriation relating to the \$5,000,000 appropriated for the payment of adjusted compensation to veterans shall be retained by the Adjutant General for continuing bonus needs. The House provided that any unspent general fund appropriation relating to the adjusted compensation be transferred to the Veterans' Cemetery trust fund.

A section is added appropriating \$3 million of federal funds to the Adjutant General for the remainder of the 2003-05 biennium for completing construction projects at federally supported facilities and roads.

#### REPORT OF STANDING COMMITTEE

**HB 1019, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "518,505" with "511,640"

Page 2, line 2, replace "8,923" with "8,674"

Page 2, line 4, replace "(\$1,001,095)" with "(\$1,008,209)"

Page 2, line 5, replace "(1,767,955)" with "(1,668,704)"

Page 2, line 6, replace "766,860" with "660,495"

Page 2, line 12, replace "5,596,695" with "5,589,830"

Page 2, line 18, replace "932,669" with "932,420"

Page 2, line 19, replace "10,649,881" with "10,642,767"

Page 2, line 20, replace "2,623,087" with "2,722,338"

Page 2, line 21, replace "8,026,794" with "7,920,429"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1019 - State Historical Society - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,617,445	\$5,596,695	(\$6,865)	\$5,589,830
Operating expenses	1,493,706	1,508,706		1,508,706
Capital assets	582,319	982,319		982,319
Grants	1,300,000	1,300,000		1,300,000
Cultural heritage grants	75,000	325,000		325,000
Yellowstone-Missouri- Fort Union Commission	4,492	4,492		4,492
Lewis and Clark Bicentennial	<u>933,217</u>	<u>932,669</u>	<u>(249)</u>	<u>932,420</u>
Total all funds	\$10,006,179	\$10,649,881	(\$7,114)	\$10,642,767
Less estimated income	<u>2,425,455</u>	<u>2,623,087</u>	<u>99,251</u>	<u>2,722,338</u>
General fund	\$7,580,724	\$8,026,794	(\$106,365)	\$7,920,429
FTE	57.00	57.00	0.00	57.00

##### Dept. 701 - State Historical Society - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	CHANGES FUNDING SOURCE FOR FORT ABERCROMBIE INTERPRETIVE CENTER PROJECT <sup>2</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$6,865)		(\$6,865)
Operating expenses			
Capital assets			
Grants			
Cultural heritage grants			
Yellowstone-Missouri- Fort Union Commission			
Lewis and Clark Bicentennial	<u>(249)</u>		<u>(249)</u>
Total all funds	(\$7,114)	\$0	(\$7,114)
Less estimated income	<u>(749)</u>	<u>100,000</u>	<u>99,251</u>
General fund	(\$6,365)	(\$100,000)	(\$106,365)
FTE	0.00	0.00	0.00

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

<sup>2</sup> This amendment replaces \$100,000 of general fund funding for the Fort Abercrombie Interpretive Center project with \$100,000 of special funds spending authority, for a total of \$400,000 for the project consisting of \$100,000 from the general fund and \$300,000 of other funds spending authority.

#### REPORT OF STANDING COMMITTEE

**HB 1020, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1020 was placed on the Sixth order on the calendar.

Page 2, after line 4, insert:

"Subdivision 1."

Page 2, line 6, replace "529,031" with "523,038"

Page 2, line 9, replace "2,594,000" with "2,144,000"

Page 2, line 10, replace "(448,161)" with "(143,283)"

Page 2, line 11, replace "2,555,021" with "2,403,906"

Page 2, line 12, replace "1,602,586" with "1,602,087"

Page 2, line 13, replace "952,435" with "801,819"

Page 2, after line 13, insert:

"Subdivision 2.

#### INTERNATIONAL PEACE GARDEN

International Peace Garden	<u>\$250,000</u>
Total general fund - Adjustments/enhancements	\$250,000
Total general fund - Section 2	\$1,051,819
Total special funds - Section 2	\$1,602,087
Total all funds - Section 2	\$2,653,906"

Page 2, line 22, replace "5,783,597" with "5,777,604"

Page 2, line 25, replace "6,930,000" with "6,480,000"

Page 2, line 26, replace "312,457" with "617,335"

Page 2, line 27, replace "20,030,787" with "19,879,672"

Page 2, line 28, replace "12,374,693" with "12,374,194"

Page 2, line 29, replace "7,656,094" with "7,505,478"

Page 3, line 1, replace "352,854" with "602,854"

Page 3, line 2, replace "352,854" with "602,854"

Page 3, line 3, replace "8,008,948" with "8,108,332"

Page 3, line 4, replace "12,374,693" with "12,374,194"

Page 3, line 5, replace "20,383,641" with "20,482,526"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1020 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Parks and Recreation Department				
Total all funds	\$20,185,974	\$20,030,787	(\$151,115)	\$19,879,672
Less estimated income	12,286,253	12,374,693	(499)	12,374,194
General fund	\$7,899,721	\$7,656,094	(\$150,616)	\$7,505,478
International Peace Garden				
Total all funds	\$602,854	\$352,854	\$250,000	\$602,854
Less estimated income				
General fund	\$602,854	\$352,854	\$250,000	\$602,854
Bill Total				
Total all funds	\$20,788,828	\$20,383,641	\$98,885	\$20,482,526
Less estimated income	12,286,253	12,374,693	(499)	12,374,194
General fund	\$8,502,575	\$8,008,948	\$99,384	\$8,108,332

**House Bill No. 1020 - Parks and Recreation Department - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,946,469	\$5,783,597	(\$5,993)	\$5,777,604
Operating expenses	4,361,533	4,299,533		4,299,533
Capital assets	2,780,200	2,705,200		2,705,200
Grants	6,480,000	6,930,000	(450,000)	6,480,000
Lewis and Clark Bicentennial	<u>617,772</u>	<u>312,457</u>	<u>304,878</u>	<u>617,335</u>
Total all funds	\$20,185,974	\$20,030,787	(\$151,115)	\$19,879,672
Less estimated income	<u>12,286,253</u>	<u>12,374,693</u>	<u>(499)</u>	<u>12,374,194</u>
General fund	\$7,899,721	\$7,656,094	(\$150,616)	\$7,505,478
FTE	48.50	46.50	0.00	46.50

**Dept. 750 - Parks and Recreation Department - Detail of Senate Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	RESTORES FUNDING FOR FORT STEVENSON AND LAKE SAKAKAWEA PROJECTS <sup>2</sup>	REMOVES FUNDING FOR GRANTS <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$5,993)			(\$5,993)
Operating expenses				
Capital assets				
Grants			(\$450,000)	(450,000)
Lewis and Clark Bicentennial	<u>(122)</u>	<u>\$305,000</u>		<u>304,878</u>
Total all funds	(\$6,115)	\$305,000	(\$450,000)	(\$151,115)
Less estimated income	<u>(499)</u>			<u>(499)</u>
General fund	(\$5,616)	\$305,000	(\$450,000)	(\$150,616)
FTE	0.00	0.00	0.00	0.00

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

<sup>2</sup> This amendment restores funding of \$160,000 from the general fund for the Fort Stevenson State Park campground rehabilitation and \$145,000 from the general fund for the Lake Sakakawea State Park campground utilities upgrade, for a total of \$305,000 from the general fund the House removed.

<sup>3</sup> This amendment removes \$450,000 from the general fund that was added by the House for grants to specific entities.

**House Bill No. 1020 - International Peace Garden - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
International Peace Garden	<u>\$602,854</u>	<u>\$352,854</u>	<u>\$250,000</u>	<u>\$602,854</u>
Total all funds	\$602,854	\$352,854	\$250,000	\$602,854
Less estimated income				
General fund	\$602,854	\$352,854	\$250,000	\$602,854
FTE	0.00	0.00	0.00	0.00

**Dept. 751 - International Peace Garden - Detail of Senate Changes**

	RESTORES FUNDING FOR THE CONFLICT RESOLUTION CENTER <sup>1</sup>	TOTAL SENATE CHANGES
International Peace Garden	<u>\$250,000</u>	<u>\$250,000</u>
Total all funds	\$250,000	\$250,000
Less estimated income		
General fund	\$250,000	\$250,000
FTE	0.00	0.00

<sup>1</sup> This amendment restores funding the House removed for a grant to the International Peace Garden for planning relating to the construction of a conflict resolution center.

**REPORT OF STANDING COMMITTEE**

**HB 1022, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1022 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "938,642" with "911,935"

Page 1, line 17, replace "33,336,273" with "33,309,566"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1022 - Workforce Safety and Insurance - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Workforce Safety and Insurance	<u>\$33,440,814</u>	<u>\$33,336,273</u>	<u>(\$26,707)</u>	<u>\$33,309,566</u>
Total all funds	\$33,440,814	\$33,336,273	(\$26,707)	\$33,309,566
Less estimated income	<u>33,440,814</u>	<u>33,336,273</u>	<u>(26,707)</u>	<u>33,309,566</u>
General fund	\$0	\$0	\$0	\$0
FTE	223.14	223.14	0.00	223.14

**Dept. 485 - Workforce Safety and Insurance - Detail of Senate Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Workforce Safety and Insurance	<u>(\$26,707)</u>	<u>(\$26,707)</u>
Total all funds	(\$26,707)	(\$26,707)
Less estimated income	<u>(26,707)</u>	<u>(26,707)</u>
General fund	\$0	\$0
FTE	0.00	0.00

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

**REPORT OF STANDING COMMITTEE**

**HB 1023, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1023 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "section" with "sections" and after "54-44.1-11" insert "and 54-44.3-12.1"

Page 1, line 3, after "appropriations" insert "and revisions to compensation plans under the central personnel system"

Page 2, line 5, replace "187,647" with "185,525"

Page 2, line 8, replace "(\$1,884,189)" with "(\$1,886,311)"

Page 2, line 11, replace "212,122" with "208,378"

Page 2, line 13, replace "289,329" with "285,585"

Page 2, line 14, replace "(\$1,594,860)" with "(\$1,600,726)"

Page 2, line 22, replace "1,962,532" with "1,960,410"

Page 2, line 25, replace "2,959,140" with "2,957,018"

Page 2, line 28, replace "2,865,776" with "2,862,032"

Page 3, line 1, replace "4,680,487" with "4,676,743"

Page 3, line 2, replace "7,639,627" with "7,633,761"

Page 4, after line 22, insert:

**"SECTION 7. AMENDMENT.** Section 54-44.3-12.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.3-12.1. Revisions to compensation plan.** Revisions to the compensation plan may only be made on July first, following the close of a regular legislative session, except that new classifications may be added to the compensation plan during a biennium when deemed necessary by the director. Revisions to the compensation plan ~~do not become effective~~ for county employees covered by the plan ~~until become effective~~ on January first of the first full calendar year following the revision or on July first following the close of a regular legislative session, based on official action by the board of county commissioners. Revisions to the compensation plan may only be made to the extent the legislative assembly appropriates funds to implement such plans."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1023 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Retirement and Investment Office				
Total all funds	\$2,966,923	\$2,959,140	(\$2,122)	\$2,957,018
Less estimated income	<u>2,966,923</u>	<u>2,959,140</u>	<u>(2,122)</u>	<u>2,957,018</u>
General fund	\$0	\$0	\$0	\$0
Public Employees Retirement System				
Total all funds	\$4,692,005	\$4,680,487	(\$3,744)	\$4,676,743
Less estimated income	<u>4,692,005</u>	<u>4,680,487</u>	<u>(3,744)</u>	<u>4,676,743</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$7,658,928	\$7,639,627	(\$5,866)	\$7,633,761
Less estimated income	<u>7,658,928</u>	<u>7,639,627</u>	<u>(5,866)</u>	<u>7,633,761</u>
General fund	\$0	\$0	\$0	\$0

##### House Bill No. 1023 - Retirement and Investment Office - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,970,315	\$1,962,532	(\$2,122)	\$1,960,410
Operating expenses	914,608	914,608		914,608
Contingencies	<u>82,000</u>	<u>82,000</u>		<u>82,000</u>
Total all funds	\$2,966,923	\$2,959,140	(\$2,122)	\$2,957,018
Less estimated income	<u>2,966,923</u>	<u>2,959,140</u>	<u>(2,122)</u>	<u>2,957,018</u>
General fund	\$0	\$0	\$0	\$0
FTE	17.00	17.00	0.00	17.00

##### Dept. 190 - Retirement and Investment Office - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$2,122)	(\$2,122)
Operating expenses		
Contingencies		
Total all funds	(\$2,122)	(\$2,122)
Less estimated income	<u>(2,122)</u>	<u>(2,122)</u>
General fund	\$0	\$0
FTE	0.00	0.00

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

##### House Bill No. 1023 - Public Employees Retirement System - Senate Action

EXECUTIVE	HOUSE	SENATE	SENATE
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	BUDGET	VERSION	CHANGES	VERSION
Salaries and wages	\$2,877,294	\$2,865,776	(\$3,744)	\$2,862,032
Operating expenses	1,564,711	1,564,711		1,564,711
Contingencies	250,000	250,000		250,000
Total all funds	\$4,692,005	\$4,680,487	(\$3,744)	\$4,676,743
Less estimated income	<u>4,692,005</u>	<u>4,680,487</u>	<u>(3,744)</u>	<u>4,676,743</u>
General fund	\$0	\$0	\$0	\$0
FTE	29.00	29.00	0.00	29.00

#### Dept. 192 - Public Employees Retirement System - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$3,744)	(\$3,744)
Operating expenses		
Contingencies		
Total all funds	(\$3,744)	(\$3,744)
Less estimated income	<u>(3,744)</u>	<u>(3,744)</u>
General fund	\$0	\$0
FTE	0.00	0.00

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

#### REPORT OF STANDING COMMITTEE

**HB 1121, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1121 was placed on the Sixth order on the calendar.

Page 1, line 1, after "14-09" insert ", a new section to chapter 14-18,"

Page 1, line 2, after "rights" insert ", gestational carriers,"

Page 1, line 4, replace the second "section" with "sections 14-18-01, 14-18-05, and"

Page 1, line 5, after the first "to" insert "gestational carriers and"

Page 1, line 6, replace "chapters" with "chapter", remove "and 14-18", and after "sections" insert "14-18-02.1, 14-18-03, 14-18-04, 14-18-06, 14-18-07,"

Page 1, line 20, remove the overstrike over ", as defined in section 14-18-01,"

Page 3, after line 17, insert:

**"SECTION 5. AMENDMENT.** Section 14-18-01 of the North Dakota Century Code is amended and reenacted as follows:

#### **14-18-01. Definitions.** As used in this chapter:

1. "Assisted conception" means a pregnancy resulting from insemination of an egg of a woman with sperm of a man by means other than sexual intercourse or by removal and implantation of an embryo after sexual intercourse but does not include a pregnancy resulting from the insemination of an egg of a wife using her husband's sperm.
2. ~~"Donor" means an individual whose body produces sperm or egg used for the purpose of assisted conception, whether or not a payment is made for the sperm or egg used, but does not include an individual whose body produces sperm or egg used for the purpose of conceiving a child for that individual.~~
3. ~~"Gestational carrier" means an adult woman who enters into an agreement to have an embryo implanted in her and bear the resulting child for intended parents, where the embryo is conceived by using the egg and sperm of the intended parents.~~
4. 3. "Surrogate" means an adult woman who enters into an agreement to bear a child conceived through assisted conception for intended parents.

**SECTION 6. AMENDMENT.** Section 14-18-05 of the North Dakota Century Code is amended and reenacted as follows:

**14-18-05. Surrogate agreements.** Any agreement in which a woman agrees to become a surrogate or to relinquish that woman's rights and duties as parent of a child conceived through assisted conception is void. The surrogate, however, is the mother of a resulting child and the surrogate's husband, if a party to the agreement, is the father of the child. If the surrogate's husband is not a party to the agreement or the surrogate is unmarried, paternity of the child is governed by chapter ~~14-17~~ 14-20.

**SECTION 7.** A new section to chapter 14-18 of the North Dakota Century Code is created and enacted as follows:

Gestational carrier agreements. A child born to a gestational carrier is a child of the intended parents for all purposes and is not a child of the gestational carrier and the gestational carrier's husband, if any."

Page 25, line 29, replace "Paternity" with "Parentage"

Page 25, line 30, remove "this" and after "chapter" insert "14-18"

Page 28, line 2, replace "chapters" with "chapter"

Page 28, line 3, remove "and 14-18" and after "sections" insert "14-18-02.1, 14-18-03, 14-18-04, 14-18-06, 14-18-07,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1172, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1172, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1173, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1173, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1203, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1203 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide for a legislative council study;"

Page 2, line 2, replace "The" with "To be considered a business incentive, the total assistance in all forms must be valued at twenty-five thousand dollars or more. Unless specifically provided otherwise, the"

Page 2, remove lines 3 and 4

Page 2, line 5, replace "b." with "a."

Page 2, line 6, remove "location,"

Page 2, line 7, remove "general"

Page 2, line 8, replace "c." with "b."

Page 2, line 13, replace "d." with "c."

Page 2, line 17, replace "e." with "d."

Page 2, line 21, replace "f." with "e."

Page 2, line 23, replace "g." with "f."

Page 2, line 24, replace "h." with "g."

Page 2, line 25, replace "i." with "h."

Page 2, line 26, replace "j." with "i."

Page 2, line 27, replace "k." with "j."

Page 2, line 28, replace "l." with "k."

Page 2, line 29, replace "m." with "l." and replace "Assistance" with "Except for a center of excellence award under section 15-10-41, assistance"

Page 3, line 1, replace "n." with "m."

Page 3, line 4, replace "o." with "n."

Page 3, line 6, replace "p." with "o."

Page 3, line 9, replace "q." with "p."

Page 9, after line 16, insert:

**"SECTION 11. LEGISLATIVE COUNCIL STUDY - ECONOMIC DEVELOPMENT BY SCHOOL DISTRICT TAX ABATEMENTS.** The legislative council shall consider studying, during the 2005-06 interim, the current system under which property taxes levied by school districts are abated for the purpose of furthering economic development and whether this practice of abating property taxes levied by school districts should continue to be a part of economic development efforts in this state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

**SECTION 12. LEGISLATIVE COUNCIL STUDY - LOCAL ECONOMIC DEVELOPERS SYSTEM.** The legislative council shall consider studying, during the 2005-06 interim, the system of local economic developers to determine whether the existing system provides the most effective and efficient system; whether the system could be improved by providing for increased uniformity in the provision of local economic development services or uniform applications, project investment standards, and economic development authority governance; and whether there are undesirable gaps or duplications in local economic development services, particularly in rural communities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Page 9, line 17, replace "This" with "Sections 1 through 10 of this" and replace "becomes" with "become"

Renumber accordingly

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

**HB 1235, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1235, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 701 of the Senate Journal, Engrossed House Bill No. 1235 is amended as follows:

Page 1, line 20, replace the first "any" with "an"

Renumber accordingly

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

**HB 1280, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1280 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-42 of the North Dakota Century Code, relating to licensure of polysomnographic technologists; to amend and reenact section 43-42-01, subsection 2 of section 43-42-02, and section 43-42-03 of the North Dakota Century Code, relating to licensure of registered polysomnographic technologists; to provide for a legislative council study; to provide an effective date; to provide an expiration date; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 43-42-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-42-01. Definitions.** In this chapter, unless the context otherwise requires:

1. "Board" means the state board of respiratory care.
2. "Bona fide respiratory care training program" means a program of respiratory care education which is accredited by the commission on accreditation of allied health educational programs, or the commission's successor organization.
3. "Certification examination" means the entry level examination for respiratory therapists administered by the national board for respiratory care.
4. "Certified respiratory therapist" means a person licensed by the board to practice respiratory care under the direction or supervision of a physician or registered respiratory therapist.
5. "National board for respiratory care" means the body issuing credentials for the respiratory care profession, or the board's successor organization.
6. "Polysomnography" means the practice of attending, monitoring, and recording physiologic data during sleep for the purpose of identifying and assisting in the treatment of sleep-wake disorders.
7. "Registered polysomnographic technologist" means an individual licensed by the board to practice polysomnography under supervision as prescribed by the board by rule.
8. "Registered respiratory therapist" means a person licensed by the board to practice respiratory care.
- ~~7-~~ 9. "Registry examination" means the advanced level examination for respiratory therapists administered by the national board for respiratory care.
- ~~8-~~ 10. "Respiratory care" means the health specialty involving the treatment, management, control, and care of patients with deficiencies and abnormalities of the cardiorespiratory systems. Respiratory care is implemented on an order from a licensed physician, and includes the use of medical gases, air and oxygen administering apparatuses, environmental control systems, humidification and aerosols, drugs and medications, apparatuses for cardiorespiratory support and control, postural drainage, chest percussion and vibration and breathing exercises, pulmonary rehabilitation, assistance with cardiopulmonary resuscitation, maintenance of natural and artificial airways, and insertion of artificial airways. The term also includes testing techniques to assist in diagnosis, monitoring, treatment, and research, including the measurement of cardiorespiratory volumes, pressures and flows, and the drawing and analyzing of samples of arterial, capillary, and venous blood.
- ~~9-~~ 11. "Respiratory therapist" means a certified respiratory therapist or a registered respiratory therapist.
- ~~40-~~ 12. "Respiratory therapy" means respiratory care.

- 44- 13. "Temporary respiratory therapist" means any individual who has successfully completed a bona fide respiratory care training program and is licensed by the board to practice respiratory care under the supervision or direction of either a physician, certified respiratory therapist, or registered respiratory therapist.

**SECTION 2. AMENDMENT.** Subsection 2 of section 43-42-02 of the North Dakota Century Code is amended and reenacted as follows:

2. The board consists of ~~seven~~ eight members appointed by the governor. Four members must be respiratory therapists, chosen from a list of eight respiratory therapists supplied to the governor by the North Dakota society for respiratory care. One member must be a physician chosen from a list of two physicians supplied to the governor by the North Dakota medical association. The governor shall appoint two members to be representatives of the general public. One member must be a registered polysomnographic technologist chosen from a list of candidates recommended to the governor by the association of polysomnographic technologists. Members are appointed for terms of three years. Each member holds office until the member's successor is duly appointed and qualified. A vacancy in the office of any member may be filled for the unexpired term only. No member may serve more than two successive complete terms.

**SECTION 3. AMENDMENT.** Subsection 2 of section 43-42-02 of the North Dakota Century Code is amended and reenacted as follows:

2. The board consists of seven members appointed by the governor. Four members must be respiratory therapists, chosen from a list of eight respiratory therapists supplied to the governor by the North Dakota society for respiratory care. One member must be a physician chosen from a list of two physicians supplied to the governor by the North Dakota medical association. The governor shall appoint ~~two members~~ one member to be ~~representatives~~ a representative of the general public. One member must be a registered polysomnographic technologist chosen from a list of candidates recommended to the governor by the association of polysomnographic technologists. Members are appointed for terms of three years. Each member holds office until the member's successor is duly appointed and qualified. A vacancy in the office of any member may be filled for the unexpired term only. No member may serve more than two successive complete terms.

**SECTION 4. AMENDMENT.** Section 43-42-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-42-03. Respiratory therapist and polysomnographic technologist licensing - Fees.**

1. The board shall license as a registered respiratory therapist any applicant whom the board determines to be qualified to perform the duties of a registered respiratory therapist. In making this determination, the board shall require evidence that the applicant has successfully completed a bona fide respiratory care training program and has passed the registry examination. The board shall establish fees not in excess of one hundred dollars for the issuance and renewal of a registered respiratory therapist license.
2. The board shall license as a certified respiratory therapist any applicant whom the board determines to be qualified to perform the duties of a certified respiratory therapist. In making this determination, the board shall require evidence that the applicant has successfully completed a bona fide respiratory care training program and has passed the certification examination. The board shall establish fees not in excess of seventy dollars for the issuance and renewal of a certified respiratory therapist license.
3. The board shall license as a temporary respiratory therapist any applicant whom the board determines to be qualified to perform duties as a temporary respiratory therapist. In making this determination, the board shall require evidence that the applicant has successfully completed a

bona fide respiratory care training program. The board shall establish fees not in excess of seventy dollars for the issuance of a temporary respiratory therapist license.

4. The board shall license as a registered polysomnographic technologist any applicant whom the board determines to be qualified to perform the duties of a registered polysomnographic technologist. In making this determination, the board shall require evidence that the applicant has complied with the rules adopted by the board under section 5 of this Act. The board shall establish fees not in excess of seventy dollars for issuance and for renewal of a registered polysomnographic technologist license.
5. The board may assess a late fee not in excess of twenty-five dollars for all license renewal applications that are postmarked after December thirty-first of the year prior to the year of renewal.
5. 6. The board shall refuse to license any applicant or shall suspend or revoke any license after proper notice and a hearing, if the applicant:
  - a. Is not qualified or competent to perform the duties of a registered respiratory therapist, a certified respiratory therapist,~~or a temporary respiratory therapist, or a registered polysomnographic technologist.~~
  - b. Has attempted to obtain or has obtained licensure under this chapter by fraud or material misrepresentation.
  - c. Has been found by the board to have been grossly negligent as a registered respiratory therapist, certified respiratory therapist,~~or a temporary respiratory therapist, or registered polysomnographic technologist.~~
  - d. Has engaged in conduct as a registered respiratory therapist, certified respiratory therapist, ~~or a temporary respiratory therapist, or registered polysomnographic technologist~~ which is unethical, unprofessional, or detrimental to the health of the public.
  - e. Has failed to demonstrate satisfactory completion of such continuing courses of study in respiratory care as the board may require.
  - f. Has been convicted or adjudged guilty of an offense, as defined by section 12.1-01-04, determined by the board to have a direct bearing upon that individual's ability to practice respiratory care and is not sufficiently rehabilitated as determined by the board in accordance with section 12.1-33-02.1.
  - g. Is habitually drunk or is addicted to the use of a controlled substance as defined in chapter 19-03.1.
  - h. Has been declared mentally incompetent by a court of competent jurisdiction, and who has not thereafter been lawfully declared competent.
6. 7. The board may impose a fee on any person subject to regulation under this chapter to reimburse the board for all or part of the costs of administrative actions resulting in disciplinary action, which are not reversed on appeal, including the amount paid by the board for services from the office of administrative hearings, attorney's fees, court costs, witness fees, staff time, and other expenses.
7. 8. Licenses issued under this chapter expire annually, but may be renewed upon application to the board and payment of the annual renewal fee established by the board. Licenses which have expired, been suspended, or been revoked may be renewed or reissued upon satisfaction of any conditions that may be established by the board, and after payment of a fee established by the board. Temporary licenses may not be renewed.
8. 9. The board shall require as a condition of renewal and relicensure that the applicant demonstrate satisfactory completion of continuing courses of study in respiratory care.

**SECTION 5.** A new section to chapter 43-42 of the North Dakota Century Code is created and enacted as follows:

Polysomnography practice.

1. After December 31, 2005, a person may not practice, nor represent that the person is able to practice, polysomnography unless licensed under this chapter as a registered polysomnographic technologist. A registered polysomnographic technologist may not practice respiratory care except as may be authorized by rules adopted by the board. A registered polysomnographic technologist is limited in practice to polysomnography within the scope of practice and limitations as provided by rules adopted by the board.
2. The board shall adopt rules regulating registered polysomnographic technologists and establishing the scope of practice of a registered polysomnographic technologist. The rules may include requirements for examination requirements for licensure, education requirements for licensure, continuing courses of study in polysomnography, and student practice.
3. This section does not prohibit a respiratory therapist from practicing respiratory care.

**SECTION 6. ALLIED HEALTH PROFESSIONS BOARD - LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2005-06 interim, the feasibility and desirability of creating an allied health professions board to regulate the practice of members of allied health professions. The study must include consideration of the feasibility and desirability of a North Dakota allied health professions board entering joint professional licensure agreements with neighboring states. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

**SECTION 7. EFFECTIVE DATE.** Section 3 of this Act becomes effective on October 1, 2006.

**SECTION 8. EXPIRATION DATE.** Section 2 of this Act is effective through September 30, 2006, and after that date is ineffective.

**SECTION 9. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1289: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1289 was placed on the Sixth order on the calendar.

Page 1, line 15, after "~~the~~" insert "The", remove the overstrike over "~~petition and~~", after "~~chapter~~" insert "any proceeding under section 25-03.3-11", and remove the overstrike over "~~are~~"

Page 1, remove the overstrike over lines 16 through 21

Page 1, line 22, remove the overstrike over "~~governmental duties~~" and insert immediately thereafter an underscored period

Page 1, line 23, replace "this chapter" with "section 25-03.3-13" and remove "or considered by"

Page 1, line 24, replace "except that" with "with the exception of a proceeding involving an individual who has not been convicted of a sexual act as defined in section 25-03.3-01.  
The"

Page 2, line 1, remove "the"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1311, as amended, Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1311, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 773 of the Senate Journal, House Bill No. 1311 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 37 of chapter 667 of the 2003 Session Laws, relating to contingent payments; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 37 of chapter 667 of the 2003 Session Laws is amended and reenacted as follows:

**SECTION 37. CONTINGENT PAYMENTS - DISTRIBUTION.** If any moneys appropriated for per student payments and transportation payments in the grants - state school aid line item in Senate Bill No. 2013 remain after payment of all statutory obligations for per student and transportation payments during the biennium beginning July 1, 2003, and ending June 30, 2005, the superintendent of public instruction shall distribute the remaining moneys as follows:

1. The superintendent of public instruction shall use the first \$119,190, or so much of that amount as is necessary, for the purpose of reimbursing eligible school districts that received reduced amounts of state aid. For the purposes of this subsection, an eligible school district is one that received a reduction in state aid during the second year of the 2003-05 biennium because the district's general fund levy fell below one hundred forty mills as the result of a reorganization or the dissolution of a contiguous district. The following affected districts listed are entitled to receive reimbursements:

<u>Velva 1</u>	<u>\$24,355</u>
<u>TGU 60</u>	<u>93,514</u>
<u>Lewis and Clark</u>	<u>1,321</u>

2. The superintendent of public instruction shall use the ~~first~~ next \$250,000, or so much of that amount as is necessary, for the purpose of providing reimbursements to the chief administrators of joint powers agreements pursuant to section 19 of this Act.
- 2- 3. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as is necessary, for the purpose of providing reorganization bonuses, pursuant to section 15.1-12-11.1, to school districts having reorganizations effective after July 1, 2003, and before July 1, 2005. If insufficient moneys exist to fully meet the requirements of this subsection, the superintendent of public instruction shall prorate the payments according to that percentage of the amount available to which a school district is entitled.
- 3- 4. The superintendent of public instruction shall use the remainder of the moneys to provide additional per student payments on a prorated basis, according to the average daily membership of each school district during the 2004-05 school year.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1332, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended,



recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1332 was placed on the Sixth order on the calendar.

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

Page 2, after line 12, insert:

- "6. "Payment received by the pharmacy benefits manager" means the aggregate amount of the following types of payments:
- a. A rebate collected by the pharmacy benefits manager which is allocated to a covered entity;
  - b. An administrative fee collected from the manufacturer in consideration of an administrative service provided by the pharmacy benefits manager to the manufacturer;
  - c. A pharmacy network fee; and
  - d. Any other fee or amount collected by the pharmacy benefits manager from a manufacturer or labeler for a drug switch program, educational support, or data sales related to a covered individual."

Page 2, line 13, replace "6." with "7."

Page 2, remove line 18

Page 2, line 19, replace "b." with "a."

Page 2, line 21, replace "c." with "b."

Page 2, line 22, replace "d." with "c."

Page 2, line 23, replace "7." with "8."

Page 2, line 26, remove "and includes mail service pharmacy"

Page 2, line 30, replace "and does not include a" with a period

Page 3, replace lines 1 through 9 with:

- "9. "Rebate" means a retrospective reimbursement of a monetary amount by a manufacturer under a manufacturer's discount program with a pharmacy benefits manager for drugs dispensed to a covered individual."

Page 3, line 10, replace "9." with "10."

Page 3, remove lines 29 and 30

Page 4, remove lines 1 through 6

Page 4, line 7, remove "2."

Page 4, line 10, replace "solely because the pharmacist or" with "if the pharmacist or pharmacy accepts the terms, conditions, and reimbursement rates of the pharmacy benefits manager's contract."

Page 4, remove lines 11 through 16

Page 4, line 17, remove "4."

Page 4, line 22, replace "that" with "which"

Page 4, line 23, replace "rebates and other retrospective" with "a payment received by the pharmacy benefits manager;"

Page 4, remove line 24

Page 4, line 25, replace "rebates and other" with "a payment received by the pharmacy benefits manager; or"

Page 4, remove line 26

Page 4, replace line 28 with "a payment received by the pharmacy benefits manager."

Page 5, line 1, replace "rebates and other" with "a payment received by the pharmacy benefits manager is"

Page 5, line 2, remove "retrospective utilization discounts are"

Page 5, line 4, replace "company" with "covered entity"

Page 5, line 5, replace "company" with "covered entity"

Page 5, replace line 7 with "payment received by the pharmacy benefits manager which the covered entity"

Page 5, line 8, replace "have" with "has"

Page 5, line 9, replace "company's" with "covered entity's" and replace "have" with "has"

Page 5, line 10, remove "of the company" and replace the second "company" with "covered entity"

Page 5, line 11, replace "rebates and other retrospective utilization" with "the payment received by the pharmacy benefits manager"

Page 5, line 12, remove "discounts"

Page 5, line 13, replace "rebates and other retrospective utilization" with "payment received by the pharmacy benefits manager is"

Page 5, line 14, remove "discounts are" and after "rates" insert "or is distributed to cover individuals"

Page 5, after line 18, insert:

**"SECTION 3. PHARMACY BENEFITS MANAGEMENT INDUSTRY - LEGISLATIVE COUNCIL STUDY.** The legislative council shall study, during the 2005-06 interim, the pharmacy benefits management industry, including the extent of competition in the marketplace for health insurance and prescription drugs; whether protecting the confidentiality of trade secret or proprietary information has a positive or negative impact on prescription drug prices; the ownership interest or affiliation between insurance companies and pharmacy benefits management companies and whether such relationships are good for the consumer; the impact of disclosure of information regarding relationships between pharmacy benefits management companies and their customers; the use of various cost-containment methods by pharmacy benefits managers, including the extent to which pharmacy benefits managers promote the use of generic drugs; the actual impact of the use of pharmacy benefits management techniques on community pharmacies; the price consumers actually pay for prescription drugs in North Dakota; and consideration of the legality of imposing statutory restrictions on pharmacy benefits managers. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

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

**HB 1337: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "that" with "enacted during the most recent session of the legislative assembly which" and remove "or otherwise affected"

Page 1, line 15, replace "that" with "enacted during the most recent session of the legislative assembly which"

Page 1, line 16, remove "or otherwise affected"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1370, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection to" and replace "49-10.1-03" with "to chapter 49-02"

Page 1, line 5, remove "subsection to" and replace "49-10.1-03" with "to chapter 49-02"

Page 1, replace lines 7 through 11 with:

**"Railroad fuel surcharge - Restricted.** A railroad may not assess a fuel surcharge on a shipment of commodities originating in this state if the surcharge exceeds the approximate increased cost of the fuel above what the fuel cost when zero surcharge was last assessed."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1417, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1417 was placed on the Sixth order on the calendar.

Page 7, line 24, after the second comma insert "and"

Page 7, line 25, after "and" insert "may include" and remove the overstrike over "~~the district committee of all legislative districts~~"

Page 7, remove the overstrike over line 26

Page 7, line 27, remove the overstrike over "~~chairmen~~" and remove "each"

Page 7, line 28, replace "The district" with "A representative of the district committee may participate in the county canvassing board if the district chairman gives notice to the county auditor of the intent to participate before the meeting of the county canvassing board"

Page 7, remove line 29

Page 7, line 30, remove "respective political party representative"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1421: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1421 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "sections 28-32-10 and 28-32-12," and after "28-32-15" insert ", and sections 28-32-18 and 28-32-19"

Page 1, line 2, after "date" insert ", rulemaking notice, period for comments, review, and publication"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 28-32-10 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-10. Notice of rulemaking - Hearing date.**

1. An agency shall prepare a full notice and an abbreviated notice of rulemaking.

- a. The agency's full notice of the proposed adoption, amendment, or repeal of a rule must include a short, specific explanation of the proposed rule and the purpose of the proposed rule, a determination of whether the proposed rulemaking is expected to have an impact on the regulated community in excess of fifty thousand dollars, identify at least one location where interested persons may review the text of the proposed rule, provide the address to which written comments concerning the proposed rule may be sent, provide the deadline for submission of written comments, provide a telephone number at which a copy of the rules and regulatory analysis may be requested, and, in the case of a substantive rule, provide the time and place set for each oral hearing. The agency's full notice must be filed with the office of the legislative council, and the agency shall request publication of an abbreviated newspaper publication notice at least once in each official county newspaper published in this state. The notice filed with the office of the legislative council must be accompanied by a copy of the proposed rules.
  - b. The abbreviated newspaper publication of notice must be in a display-type format with a minimum width of one column of approximately two inches [5.08 centimeters] and a depth of from three inches [7.62 centimeters] to four inches [10.16 centimeters] with a headline describing the general topic of the proposed rules. The notice must also include the telephone number or address to use to obtain a copy of the proposed rules, the address to use and the deadline to submit written comments, and the location, date, and time of the public hearing on the rules.
2. The agency shall mail a copy of the agency's full notice to each person who has made a timely request to the agency for a mailed copy of the notice. The agency may mail or otherwise provide a copy of the agency's full notice to any person who is likely to be an interested person. The agency shall mail or deliver a copy of the rules to any person requesting a copy. The agency may charge for the actual cost of providing copies of the proposed rule.
3. In addition to the other notice requirements of this subsection, the superintendent of public instruction shall provide notice of any proposed rulemaking by the superintendent of public instruction to each association with statewide membership whose primary focus is elementary and secondary education issues which has requested to receive notice from the superintendent under this subsection and to the superintendent of each public school district in this state, or the president of the school board for school districts that have no superintendent, at least ~~thirty~~ twenty days before the date of the hearing described in the notice. Notice provided by the superintendent of public instruction under this section must be by first-class mail. However, upon request of a group or person entitled to notice under this section, the superintendent of public instruction shall provide the group or person notice by electronic mail.
4. The legislative council shall establish standard procedures for all agencies to follow in complying with the provisions of this section and a procedure to allow any person to request and receive mailed copies of all filings made by agencies pursuant to this section. The legislative council may charge an annual fee as established by the administrative rules committee for providing copies of the filings.
5. At least ~~thirty~~ twenty days must elapse between the ~~later of the date of the publication of the notice or the date the legislative council mails copies of an agency's notice~~ and the date of the hearing. ~~The thirty-day period begins on the first business day of the month in which the notices must be mailed or on the date of the publication, whichever is later. Subject to subsection 4, notices filed on or before the last calendar day of the preceding month. Within fifteen business days after receipt of a notice under this section, a copy of the notice must be mailed by the legislative council on the first business day of the following month to any person making a request who has paid the annual fee established under subsection 4.~~

**SECTION 2. AMENDMENT.** Section 28-32-12 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-12. Comment period.** The agency shall allow, after the conclusion of any rulemaking hearing, a comment period of at least ~~thirty~~ ten days during which data, views, or arguments concerning the proposed rulemaking will be received by the agency and made a part of the rulemaking record to be considered by the agency."

Page 1, replace lines 7 through 17 with:

- "2. a. Nonemergency rules approved by the attorney general as to legality, adopted by an administrative agency, and filed with the office of the legislative council and not voided or held for consideration by the administrative rules committee become effective the first day of the month after the month of publication as provided for in section 28-32-19, except that if a later date is required by statute, specified in the rule, or provided under section 28-32-18, the later date is the effective date. A rule found to be void by the administrative rules committee is void from the time provided under section 28-32-18 according to the following schedule:
- (1) Rules filed with the legislative council from August sixteenth through November fifteenth become effective on the immediately succeeding January first.
  - (2) Rules filed with the legislative council from November sixteenth through February fifteenth become effective on the immediately succeeding April first.
  - (3) Rules filed with the legislative council from February sixteenth through May fifteenth become effective on the immediately succeeding July first.
  - (4) Rules filed with the legislative council from May sixteenth through August fifteenth become effective on the immediately succeeding October first.
- b. If publication is delayed ~~due to technological problems or lack of funds for any reason other than action of the administrative rules committee,~~ nonemergency rules, unless otherwise provided, become effective ~~on the first day of the month after the month when publication would have occurred but for the delay.~~
- c. A rule held for consideration by the administrative rules committee becomes effective on the first effective date of rules under the schedule in subdivision a following the meeting at which that rule is reconsidered by the committee."

Page 1, after line 17, insert:

**"SECTION 4. AMENDMENT.** Section 28-32-18 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-18. Administrative rules committee may void rule - Grounds - Amendment by agreement of agency and committee.**

1. The legislative council's administrative rules committee may find that all or any portion of a rule is void if that rule is initially considered by the committee ~~within ninety days after not later than the fifteenth day of the month before the date of the administrative code supplement in which the rule change appears, or, for rule changes appearing in the administrative code supplement from November first immediately preceding a regular session of the legislative assembly through the following May first, if that rule is initially considered by the committee at the first meeting of the administrative rules committee following the regular session of the legislative assembly is scheduled to appear.~~ The administrative rules committee may find a rule or portion of a rule void if the committee makes the specific finding that, with regard to that rule or portion of a rule, there is:
  - a. An absence of statutory authority.

- b. An emergency relating to public health, safety, or welfare.
  - c. A failure to comply with express legislative intent or to substantially meet the procedural requirements of this chapter for adoption of the rule.
  - d. A conflict with state law.
  - e. Arbitrariness and capriciousness.
  - f. A failure to make a written record of its consideration of written and oral submissions respecting the rule under section 28-32-11.
2. The administrative rules committee may find a rule void at the meeting at which the rule is initially considered by the committee or may hold consideration of that rule for one subsequent meeting. Within three business days after the administrative rules committee finds that a rule is void, the office of the legislative council shall provide written notice of that finding and the committee's specific finding under subdivisions a through f of subsection 1 to the adopting agency and to the chairman of the legislative council. Within fourteen days after receipt of the notice, the adopting agency may file a petition with the chairman of the legislative council for review by the legislative council of the decision of the administrative rules committee. If the adopting agency does not file a petition for review, the rule becomes void on the fifteenth day after the notice from the office of the legislative council to the adopting agency. If within sixty days after receipt of the petition from the adopting agency the legislative council has not disapproved by motion the finding of the administrative rules committee, the rule is void.
  3. An agency may amend or repeal a rule or create a related rule if, after consideration of rules by the administrative rules committee, the agency and committee agree that the rule amendment, repeal, or creation is necessary to address any of the considerations under subsection 1. A rule amended, repealed, or created under this subsection is not subject to the other requirements of this chapter relating to adoption of administrative rules and may be resubmitted published by the agency to the legislative council for publication as amended, repealed, or created and. If requested by the agency or any interested party, a rule amended, repealed, or created under this subsection must be reconsidered by the administrative rules committee at a subsequent meeting at which public comment on the agreed rule change must be allowed.

**SECTION 5. AMENDMENT.** Section 28-32-19 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-19. Publication of administrative code and code supplement.**

1. The office of the legislative council shall compile, index, and publish all rules filed pursuant to this chapter in a publication which must be known as the North Dakota Administrative Code, in this chapter referred to as the code. The code must also contain all objections filed with the office of the legislative council by the administrative rules committee pursuant to section 28-32-17. The code must be printed or otherwise duplicated in looseleaf form. The office of the legislative council shall revise all or part of the code as often as the legislative council deems necessary.
2. The office of the legislative council may prescribe a format, style, and arrangement for rules which are to be published in the code, and may refuse to accept the filing of any rule that is not in substantial compliance therewith. In arranging rules for publication, the office of the legislative council may make such corrections in spelling, grammatical construction, format, and punctuation of the rules as deemed proper. The office of the legislative council shall keep and maintain a permanent code of all rules filed, including superseded and repealed rules, which must be open to public inspection during office hours.
3. The office of the legislative council shall compile and publish the North Dakota Administrative Code supplement, ~~in this chapter referred to as the~~

~~code supplement, the month after the month that rules are submitted to the office of the legislative council for publication unless technological problems or lack of funds prevent the publication at that time. Any delayed supplements must be published as soon as the technological problems are resolved or the necessary funds are available according to the schedule of effective dates of rules in section 28-32-15.~~

- a. ~~The code supplement must contain all rules that have been filed with the office of the legislative council or which have become effective since the compilation and publication of the preceding issue of the code supplement. The office of the legislative council may establish a due date by which rules must be submitted by an agency for publication during any month.~~
- b. The code supplement must contain all objections filed with the office of the legislative council by the administrative rules committee pursuant to section 28-32-17.
- c. The code supplement must be printed or duplicated in the same style as the code so as to permit changes to be inserted as pages in the code in lieu of the pages containing superseded material and to permit additions to the code.
4. The office of the legislative council, with the consent of the adopting agency, may omit from the code or code supplement any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or duplicated form is made available on application to the agency, and if the code or code supplement contains a notice stating the general subject matter of the omitted rule and stating how a copy may be obtained.
5. The code must be arranged, indexed, and printed or duplicated in a manner to permit separate publication of portions thereof relating to individual agencies. An agency may print as many copies of such separate portions of the code as it may require. If the office of the legislative council does not publish the code supplement due to technological problems or lack of funds, the agency whose rules would have been published in the code supplement shall provide a copy of the rules to any person upon request. The agency may charge for the actual cost of providing copies of the rules."

Page 1, line 18, after "rules" insert "for which notice of hearing is" and remove the second "for"

Page 1, line 19, remove "publication"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1445: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1445 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1454: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1454 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "and "retailer" means a company for which the primary business is the renting of motor"

Page 1, line 15, remove "vehicles for periods of fewer than thirty days"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1460, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1460, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1463, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1463 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1465, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1465, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1470, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1470 was placed on the Sixth order on the calendar.

Page 2, line 30, replace "and an" with "or"

Page 2, line 31, replace "drug" with "drugs, in the aggregate"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1497, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1497 was placed on the Sixth order on the calendar.

Page 1, line 3, after "sections" insert "16.1-13-20," and remove the second "and"

Page 1, line 4, after "16.1-13-25" insert ", and 16.1-15-08"

Page 7, line 17, overstrike "principals" and insert immediately thereafter "principles"

Page 7, line 20, overstrike "principal" and insert immediately thereafter "principle"

Page 7, line 24, overstrike "principal" and insert immediately thereafter "principle"

Page 7, line 25, overstrike "principal" and insert immediately thereafter "principle"

Page 8, line 17, overstrike "principal" and insert immediately thereafter "principle"

Page 8, line 19, overstrike "principal" and insert immediately thereafter "principle"

Page 9, line 28, after "line" insert ", except that a write-in candidate for a nonfederal office may make a timely written demand to a county canvassing board to identify and preserve any write-in vote cast for the office sought by the write-in candidate for canvass by the board. The candidate shall deliver the demand to the county auditor and a copy to the clerk of district court no later than thirty-six hours before the time the county canvassing board is scheduled to meet. A demand only may be made if the unofficial election results maintained by the county auditor demonstrate that the write-in candidate's known vote total is within the pertinent percentage limits provided in subsection 1 or 2 of section 16.1-16-01 and a statement to that effect is included in the demand. After delivery of the ballots as provided by section 16.1-15-08, the canvassing board shall review the ballots to identify any ballot that contains a write-in vote. The county canvassing board shall tally and canvass any write-in vote in the same manner as lawful or qualifying write-in votes if the canvassing board is able to clearly ascertain the intent of the voter from examining the ballot because the write-in candidate's name has been written on the ballot opposite the office to be voted for or because of any other cogent evidence of intent"

Page 10, after line 6, insert:

**"SECTION 13. AMENDMENT.** Section 16.1-13-20 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-13-20. Examination of ballot box before opening of polls - Regulations for ballot box while polls are open.** Before declaring the polls open, the inspector and the election judges shall inspect the ballot box to assure that it is empty. The ballot box



must then be locked. While the polls are open, the ballot box must remain locked except as may be necessary to clear a ballot jam or to move voted ballots to a separate locked ballot box to make room for additional ballots."

Page 11, after line 24, insert:

**"SECTION 17. AMENDMENT.** Section 16.1-15-08 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-08. Wrapping and returning of ballots to clerk of the district court.**

After having prepared the reports and poll lists provided for in section 16.1-15-06 for delivery to the county auditor, the election board shall cause the ballots of each kind cast at the election to be placed in a suitable wrapper to form a complete wrapper for the ballots. The ballots and wrappers must then be tightly secured at the outer end to completely envelop and hold the ballots together. Ballots that are void must be secured in a separate wrapper and must be marked "void". Ballots that are spoiled must be separately secured and marked "spoiled". In sealing ballots, the various classes of ballots must be kept separate. Each wrapper must be endorsed with the name or number of the precinct and the date on which the election was held. The wrappers must be sealed securely in a manner prescribed by the secretary of state so the wrappers cannot be opened without an obvious and permanent breaking of the seal. The ballots, together with those found void or spoiled, and the opened envelopes from voted absentee ballots and the unopened envelopes of absentee ballots rejected as defective, must be returned in person to the clerk of the district court. At the meeting of the county canvassing board, the clerk of the district court shall deliver each ballot that may contain a write-in vote referenced in a demand made under subsection 1 of section 16.1-12-02.2. Ballots used with any electronic voting system or counted by an electronic counting machine must be sealed and returned as provided in this section."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1500, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1500 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "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.

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

**SECTION 1.** A new chapter to title 51 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

1. "Consumer" means an individual.
2. "Consumer report" has the same meaning as provided in 15 U.S.C. 1681a(d).
3. "Consumer reporting agency" means any person that, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate or intrastate commerce for the purpose of preparing or furnishing consumer reports. The term does not include an agency that compiles and maintains files on consumers on a nationwide basis, as described in 15 U.S.C. 1681a(p).
4. "File", when used in connection with information on any consumer, means all of the information on that consumer reported and retained by a consumer reporting agency regardless of how the information is stored.

**Initial fraud alerts.** Upon the direct request of a consumer or an individual acting on behalf of or as a personal representative of a consumer, who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency that maintains a file on the consumer and has received appropriate proof of the identity of the requester shall include a fraud alert in the file of that consumer. The consumer reporting agency shall continue that alert along with any credit score generated in using that file, for a period of not less than ninety days beginning on the date of the request, unless the consumer or the consumer's representative requests that the fraud alert be removed before the end of the period and the agency has received appropriate proof of the identity of the requester for that purpose.

**Extended fraud alerts.** Upon the direct request of a consumer or an individual acting on behalf of or as a personal representative of a consumer, who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency that maintains a file on the consumer and has received appropriate proof of the identity of the requester shall:

1. Include a fraud alert in the file of that consumer and continue that alert along with any credit score generated in using that file, during the seven-year period beginning on the date of the request, unless the consumer or the consumer's representative requests that the fraud alert be removed before the end of that period and the agency has received appropriate proof of the identity of the requester for that purpose; and
2. During the five-year period beginning on the date of the request, exclude the consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer or the consumer's representative requests that the exclusion be rescinded before the end of that period.

**Police reports - Judicial determination of factual innocence.**

1. An individual who has learned or reasonably suspects that the individual's personal identifying information has been unlawfully used by another, as described in section 12.1-23-11, may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over the individual's residence. The law enforcement agency shall take a report of the matter, provide the individual with a copy of that report, and begin an investigation of the facts. If the suspected crime was committed in a different jurisdiction, the local law enforcement agency may refer the matter to the law enforcement agency where the suspected crime was committed for further investigation of the facts.
2. An individual who reasonably believes that the individual is the victim of identity theft may petition the district court in the county in which the alleged victim resides or in which the identity theft is alleged to have occurred, or the court, on its own motion or upon application of the state's attorney, may move for an expedited judicial determination of the individual's factual innocence, if the perpetrator of the identity theft was arrested, cited, or convicted of a crime under the victim's identity, if a criminal complaint has been filed against the perpetrator in the victim's name, or if the victim's identity has been mistakenly associated with a record of criminal conviction. Any judicial determination of factual innocence made under this section may be heard and determined upon declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be part of the record by the court. If the court determines that the petition or motion is meritorious and that there is no reasonable cause to believe that the victim committed the offense for which the perpetrator of the identity theft was arrested, cited, convicted, or subject to a criminal complaint in the victim's name, or that the victim's identity has been mistakenly associated with a record of criminal conviction, the court shall find the victim factually innocent of that offense. If the victim is found factually innocent, the court shall issue an order certifying that determination.
3. After a court has issued a determination of factual innocence under this section, the court may order the name and associated personal identifying

information contained in court records, files, and indexes accessible by the public deleted, sealed, or labeled to show that the data is impersonated and does not reflect the defendant's identity.

4. A court that has issued a determination of factual innocence under this section may vacate that determination if the petition or any information submitted in support of the petition is found to contain any material misrepresentation or fraud.

**Enforcement - Powers - Remedies - Penalties.** The attorney general may enforce this chapter. In enforcing this chapter, the attorney general has all the powers provided in this chapter or chapter 51-15 and may seek all remedies in this chapter or chapter 51-15. A violation of this chapter constitutes a violation of chapter 51-15. The remedies, duties, prohibitions, and penalties of this chapter are not exclusive and are in addition to all other causes of action, remedies, and penalties as provided in chapter 51-15 and as otherwise provided by law."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1518, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1518, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1525, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1525 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3037, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HCR 3037 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3056: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3056 was placed on the Sixth order on the calendar.

Page 1, after line 9, insert:

"**WHEREAS**, 114,047 North Dakotans are receiving Social Security benefits; and

**WHEREAS**, 81,968 North Dakotans are receiving Social Security retirement benefits; and

**WHEREAS**, 12,652 North Dakotans are receiving Social Security disability benefits; and

**WHEREAS**, 19,427 North Dakotans are receiving Social Security survivor's benefits; and

**WHEREAS**, 4,740 North Dakota children under age 18 are receiving Social Security benefits; and"

Page 2, line 3, replace "its" with "the", replace the second comma with "of", and replace "needs to be" with ", the President and Congress can and should make some adjustments to improve its operation while preserving its essential character as the foundation of America's retirement system"

Page 2, line 4, remove "fixed permanently"

Page 2, line 15, remove "and"

Page 2, remove lines 16 and 17

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**SB 2078, as engrossed:** Your conference committee (Sens. Flakoll, G. Lee, Seymour and Reps. Sitte, Horter, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 768 and place SB 2078 on the Seventh order.

Engrossed SB 2078 was placed on the Seventh order of business on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Heitkamp, O'Connell, Stenehjem and Reps. Berg, Boucher, Hawken introduced:  
(Approved by the Delayed Bills Committee)

**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.

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

**FIRST READING OF HOUSE BILL**

**HB 1223:** A BILL for an Act to create and enact a new section to chapter 53-10 and a new chapter to title 53 of the North Dakota Century Code, relating to liability for injury or damage incurred during equine activity and during activity involving livestock; and to amend and reenact section 53-10-02 of the North Dakota Century Code, relating to liability for injury or damage incurred during equine activity.

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

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

**William R. Horton, Secretary**