

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, March 28, 2007

The House convened at 10:00 a.m., with Speaker Delzer presiding.

The prayer was offered by Deacon James Nistler with Sacred Heart Catholic Church, Wilton.

The roll was called and all members were present except Representatives R. Kelsch and Solberg.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 28, 2007, I have signed the following: HB 1124, HB 1164, HB 1450, and HB 1471.

MOTION

REP. MONSON MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Delzer presiding.

REPORT OF STANDING COMMITTEE

SB 2012, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "a" and replace "study" with "studies"

Page 1, line 4, replace "and" with a comma and after "23-39" insert ", and a new section to chapter 50-24.1"

Page 1, line 5, after "needs" insert "and chiropractic medicaid payments"

Page 1, line 6, remove "and" and after the fourth comma insert "and 50-06-24,"

Page 1, line 11, replace "qualified service providers" with "guardianship services" and after the semicolon insert "and"

Page 1, line 12, remove "; and to provide an"

Page 1, line 13, remove "effective date"

Page 3, line 7, replace "1,015,145" with "685,145"

Page 3, line 8, replace "(28,594,686)" with "(29,594,686)"

Page 3, line 10, replace "(\$27,582,012)" with "(\$28,912,012)"

Page 3, line 11, replace "(29,068,576)" with "(29,644,776)"

Page 3, line 12, replace "1,486,564" with "732,764"

Page 3, line 15, replace "2,856,130" with "2,186,130"

Page 3, line 16, replace "26,576,252" with "26,733,605"

Page 3, line 18, replace "8,938,273" with "9,126,490"

Page 3, line 19, replace "132,453,022" with "97,909,956"

Page 3, line 20, replace "170,790,212" with "135,922,716"

Page 3, line 21, replace "92,129,556" with "70,969,062"

Page 3, line 22, replace "78,660,656" with "64,953,654"

Page 3, line 25, replace "193,654" with "159,389"

Page 3, line 26, replace "1,540,622" with "1,474,993"

Page 3, line 27, replace "739,666" with "701,660"

Page 3, line 28, replace "1,647,335" with "1,561,596"

Page 3, line 29, replace "2,441,031" with "2,354,672"

Page 3, line 30, replace "2,584,618" with "2,521,026"

Page 3, line 31, replace "2,226,472" with "2,142,400"

Page 4, line 1, replace "621,652" with "573,546"

Page 4, line 2, replace "17,209,433" with "16,775,675"

Page 4, line 3, replace "6,031,330" with "5,331,330"

Page 4, line 4, replace "35,235,813" with "33,596,287"

Page 4, line 5, replace "4,462,288" with "4,491,902"

Page 4, line 6, replace "30,773,525" with "29,104,385"

Page 4, line 7, replace "110,920,745" with "94,790,803"

Page 4, line 8, replace "67,523,268" with "45,816,188"

Page 4, line 9, replace "178,444,013" with "140,606,991"

Page 4, line 18, replace "11,723,883" with "11,393,883"

Page 4, line 19, replace "32,374,022" with "31,374,022"

Page 4, line 21, replace "44,098,190" with "42,768,190"

Page 4, line 22, replace "23,085,165" with "22,508,965"

Page 4, line 23, replace "21,013,025" with "20,259,225"

Page 4, line 26, replace "25,668,611" with "24,998,611"

Page 4, line 27, replace "66,356,937" with "66,514,290"

Page 4, line 29, replace "341,776,723" with "341,964,940"

Page 4, line 30, replace "1,138,809,360" with "1,104,266,294"

Page 4, line 31, replace "1,572,612,030" with "1,537,744,534"

Page 5, line 1, replace "1,127,268,003" with "1,106,107,509"

Page 5, line 2, replace "445,344,027" with "431,637,025"

Page 5, line 5, replace "7,545,956" with "7,511,691"

Page 5, line 6, replace "16,888,313" with "16,822,684"

Page 5, line 7, replace "9,883,098" with "9,845,092"

Page 5, line 8, replace "22,230,466" with "22,144,727"

Page 5, line 9, replace "26,206,795" with "26,120,436"

Page 5, line 10, replace "14,781,265" with "14,717,673"

Page 5, line 11, replace "20,813,941" with "20,729,869"

Page 5, line 12, replace "9,863,050" with "9,814,944"

Page 5, line 13, replace "65,126,604" with "64,692,846"

Page 5, line 14, replace "48,456,612" with "47,756,612"

Page 5, line 15, replace "241,796,100" with "240,156,574"

Page 5, line 16, replace "112,810,933" with "112,840,547"

Page 5, line 17, replace "128,985,167" with "127,316,027"

Page 5, line 18, replace "595,342,219" with "579,212,277"

Page 5, line 19, replace "1,263,164,101" with "1,241,457,021"

Page 5, line 20, replace "1,858,506,320" with "1,820,669,298"

Page 5, line 25, remove "As determined necessary by the director of the department of human"

Page 5, remove lines 26 and 27

Page 5, line 28, remove "section 3 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 6, replace lines 3 through 15 with:

"SECTION 5. LEGISLATIVE COUNCIL STUDY - CONTINUOUS MEDICAID ELIGIBILITY FOR CHILDREN. The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of allowing annual rather than monthly eligibility reviews for children under nineteen years of age who are either categorically or optionally categorically needy under the medical assistance program. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 6. DEPARTMENT OF HUMAN SERVICES STUDY - REBASING MEDICAL SERVICES PAYMENT RATES - REPORT TO LEGISLATIVE ASSEMBLY. The department of human services shall determine, during the 2007-08 interim and with the assistance of a health care consultant, the estimated cost of rebasing payment rates under the medical assistance program for hospital, physician, ambulance, and chiropractic services to the actual cost of providing these services for use in preparing the department's budget request for the 2009-11 biennium. The base year used in developing the cost estimate must be the most recent calendar year for which complete financial information is available to the department. The department shall report its findings and recommendations to the appropriations committees of the sixty-first legislative assembly. The department's recommendations may include options for staggered implementation or earlier implementation date preferences for service providers that have medical assistance service revenue that is ten percent or more of its total patient revenue. Any funds appropriated by the sixtieth legislative assembly to the department for providing the information required by this section may not be spent for other purposes during the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 7. LEGISLATIVE COUNCIL STUDY - NURSING HOME RATE EQUALIZATION. The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of continuing the equalization of nursing home payment rates and the feasibility and desirability of establishing a provider tax or assessment on nursing homes. The study must include input from representatives of the department of human services, other appropriate state agencies, and the nursing home industry. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 8. LEGISLATIVE COUNCIL STUDY - INFANT DEVELOPMENT PROGRAM. The legislative council shall consider studying, during the 2007-08 interim, infant development programs. The study, if conducted, must include a review of the

state's lead agency agreement, service coordination, staffing, and funding structure, including the adequacy of the funding and the equitable distribution of the funds to providers. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 9. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES SERVICE PROVIDERS FUNDING INCREASES - EMPLOYEE SALARY INCREASE PRIORITY. It is the intent of the sixtieth legislative assembly that developmental disabilities service providers give priority to using the increased funding being provided for the 2007-09 biennium for increasing employees' salaries.

SECTION 10. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in subdivision 3 of section 3 of this Act includes \$8,244,131 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The department of human services shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

| | |
|---------------------------------|--------------|
| State hospital | |
| Sex offender treatment addition | \$3,100,000 |
| Capital improvements | 3,062,757 |
| Extraordinary repairs | 1,153,500 |
| Developmental center | |
| Capital improvements | 300,000 |
| Extraordinary repairs | 547,092 |
| Equipment | 80,782 |
| Total | \$8,244,131" |

Page 6, line 19, after "under" insert "the department's existing" and replace "with the Robinson recovery center" with "for methamphetamine treatment services"

Page 6, line 22, replace "\$170,500" with "\$1,144,080"

Page 6, remove lines 30 and 31

Page 7, remove lines 1 through 4

Page 11, remove lines 5 through 12

Page 13, replace lines 16 through 31 with:

"SECTION 20. AMENDMENT. Section 50-06-24 of the North Dakota Century Code is amended and reenacted as follows:

50-06-24. Guardianship services. The department of human services may create and coordinate a unified system for the provision of guardianship services to vulnerable adults who are ineligible for developmental disabilities case management services. The system must include a base unit funding level at the same level as developmental disability corporate guardianship rates, provider standards, staff competency requirements, the use of an emergency funding procedure to cover the costs of establishing needed guardianships, and guidelines and training for guardians. ~~The department shall require that the contracting entity develop and maintain a system of volunteer guardians to serve the state.~~ The department shall adopt rules for guardianship services to vulnerable adults which are consistent with chapters 30.1-26, 30.1-28, and 30.1-29.

SECTION 21. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Chiropractic medical assistance payments. The department of human services shall pay for covered chiropractic manipulation services at the rate of fifty percent of billed services. Payment for chiropractic manipulation services must be based on the fees submitted by chiropractors to the department of human services in 2006."

Page 14, remove lines 1 through 30

Page 16, remove lines 9 through 30

Page 17, remove lines 1 and 2

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|----------------------------|---------------------|-------------------|------------------|------------------|
| DHS - Management | | | | |
| Total all funds | \$44,098,190 | \$44,098,190 | (\$1,330,000) | \$42,768,190 |
| Less estimated income | 23,085,165 | 23,085,165 | (576,200) | 22,508,965 |
| General fund | \$21,013,025 | \$21,013,025 | (\$753,800) | \$20,259,225 |
| DHS - Program and Policy | | | | |
| Total all funds | \$1,531,965,784 | \$1,572,612,030 | (\$34,867,496) | \$1,537,744,534 |
| Less estimated income | 1,103,015,555 | 1,127,268,003 | (21,160,494) | 1,106,107,509 |
| General fund | \$428,950,229 | \$445,344,027 | (\$13,707,002) | \$431,637,025 |
| DHS - State Hospital | | | | |
| Total all funds | \$64,959,122 | \$65,126,604 | (\$433,758) | \$64,692,846 |
| Less estimated income | 15,888,310 | 15,888,310 | (1,445) | 15,886,865 |
| General fund | \$49,070,812 | \$49,238,294 | (\$432,313) | \$48,805,981 |
| DHS - Developmental Center | | | | |
| Total all funds | \$48,456,612 | \$48,456,612 | (\$700,000) | \$47,756,612 |
| Less estimated income | 33,243,690 | 33,243,690 | | 33,243,690 |
| General fund | \$15,212,922 | \$15,212,922 | (\$700,000) | \$14,512,922 |
| DHS - Northwest HSC | | | | |
| Total all funds | \$7,525,581 | \$7,545,956 | (\$34,265) | \$7,511,691 |
| Less estimated income | 3,136,258 | 3,136,258 | | 3,136,258 |
| General fund | \$4,389,323 | \$4,409,698 | (\$34,265) | \$4,375,433 |
| DHS - North Central HSC | | | | |
| Total all funds | \$16,842,742 | \$16,888,313 | (\$65,629) | \$16,822,684 |
| Less estimated income | 7,917,967 | 7,917,967 | | 7,917,967 |
| General fund | \$8,924,775 | \$8,970,346 | (\$65,629) | \$8,904,717 |
| DHS - Lake Region HSC | | | | |
| Total all funds | \$9,853,344 | \$9,883,098 | (\$38,006) | \$9,845,092 |
| Less estimated income | 4,417,334 | 4,417,334 | | 4,417,334 |
| General fund | \$5,436,010 | \$5,465,764 | (\$38,006) | \$5,427,758 |
| DHS - Northeast HSC | | | | |
| Total all funds | \$22,192,605 | \$22,230,466 | (\$85,739) | \$22,144,727 |
| Less estimated income | 12,256,322 | 12,260,487 | 4,165 | 12,264,652 |
| General fund | \$9,936,283 | \$9,969,979 | (\$89,904) | \$9,880,075 |
| DHS - Southeast HSC | | | | |
| Total all funds | \$26,145,474 | \$26,206,795 | (\$86,359) | \$26,120,436 |
| Less estimated income | 14,296,599 | 14,296,599 | | 14,296,599 |
| General fund | \$11,848,875 | \$11,910,196 | (\$86,359) | \$11,823,837 |
| DHS - South Central HSC | | | | |
| Total all funds | \$14,741,738 | \$14,781,265 | (\$63,592) | \$14,717,673 |
| Less estimated income | 6,450,546 | 6,460,823 | 10,277 | 6,471,100 |
| General fund | \$8,291,192 | \$8,320,442 | (\$73,869) | \$8,246,573 |
| DHS - West Central HSC | | | | |
| Total all funds | \$20,768,172 | \$20,813,941 | (\$84,072) | \$20,729,869 |
| Less estimated income | 10,327,232 | 10,343,709 | 16,476 | 10,360,185 |
| General fund | \$10,440,940 | \$10,470,232 | (\$100,548) | \$10,369,684 |
| DHS - Badlands HSC | | | | |
| Total all funds | \$9,848,996 | \$9,863,050 | (\$48,106) | \$9,814,944 |
| Less estimated income | 4,845,616 | 4,845,756 | 141 | 4,845,897 |
| General fund | \$5,003,380 | \$5,017,294 | (\$48,247) | \$4,969,047 |
| Bill Total | | | | |
| Total all funds | \$1,817,398,360 | \$1,858,506,320 | (\$37,837,022) | \$1,820,669,298 |
| Less estimated income | 1,238,880,594 | 1,263,164,101 | (21,707,080) | 1,241,457,021 |
| General fund | \$578,517,766 | \$595,342,219 | (\$16,129,942) | \$579,212,277 |

Senate Bill No. 2012 - Department of Human Services - Management - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|-----------------------|---------------------|-------------------|-------------------------------|-------------------|
| Salaries and wages | \$11,723,883 | \$11,723,883 | (\$330,000) | \$11,393,883 |
| Operating expenses | 32,374,022 | 32,374,022 | (1,000,000) | 31,374,022 |
| Capital assets | <u>285</u> | <u>285</u> | | <u>285</u> |
| Total all funds | \$44,098,190 | \$44,098,190 | (\$1,330,000) | \$42,768,190 |
| Less estimated income | <u>23,085,165</u> | <u>23,085,165</u> | <u>(576,200)</u> | <u>22,508,965</u> |
| General fund | \$21,013,025 | \$21,013,025 | (\$753,800) | \$20,259,225 |
| FTE | 102.10 | 102.10 | 0.00 | 102.10 |

FTE GENERAL FUND ESTIMATED INCOME TOTAL

¹Management - House Changes:

| | | |
|---|-------------|-------------|
| Reduces funding for salaries and wages in anticipation of savings resulting from vacant positions and employee turnover | (\$330,000) | (\$330,000) |
|---|-------------|-------------|

Administration Support Program

No changes

Division of Information Technology Program

| | | | |
|--|-----------|-------------|-------------|
| Removes operating expenses funding added in the executive budget for developing a client information sharing computer system | (423,800) | (\$576,200) | (1,000,000) |
|--|-----------|-------------|-------------|

| | | | | |
|---|------|-------------|-------------|---------------|
| Total House Changes - Management | 0.00 | (\$753,800) | (\$576,200) | (\$1,330,000) |
|---|------|-------------|-------------|---------------|

Senate Bill No. 2012 - Department of Human Services - Program and Policy - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|--|-----------------------------|-----------------------------|-------------------------------|-----------------------------|
| Salaries and wages | \$25,593,565 | \$25,668,611 | (\$670,000) | \$24,998,611 |
| Operating expenses | 65,561,106 | 66,356,937 | 157,353 | 66,514,290 |
| Capital assets | 399 | 399 | | 399 |
| Grants | 339,435,262 | 341,776,723 | 188,217 | 341,964,940 |
| Grants - Medical assistance | <u>1,101,375,452</u> | <u>1,138,809,360</u> | <u>(34,543,066)</u> | <u>1,104,266,294</u> |
| Total all funds | \$1,531,965,784 | \$1,572,612,030 | (\$34,867,496) | \$1,537,744,534 |
| Less estimated income | <u>1,103,015,555</u> | <u>1,127,268,003</u> | <u>(21,160,494)</u> | <u>1,106,107,509</u> |
| General fund | \$428,950,229 | \$445,344,027 | (\$13,707,002) | \$431,637,025 |
| FTE | 230.30 | 231.30 | 0.00 | 231.30 |
| | | | FTE | GENERAL FUND |
| | | | | ESTIMATED INCOME |
| | | | | TOTAL |
| ¹Program and Policy - House Changes: | | | | |
| Reduces funding for salaries and wages in anticipation of savings resulting from vacant positions and employee turnover | | | (\$670,000) | (\$670,000) |
| Economic Assistance Policy Program | | | | |
| No changes | | | | |
| Child Support Program | | | | |
| Removes operating expenses funding from the general fund for the Devils Lake Child Support Enforcement Unit due to provisions of Senate Bill No. 2205 providing for state administration of child support enforcement | | | (215,016) | (215,016) |
| Medical Services Program | | | | |
| Adds funding to provide a 5 percent annual inflationary increase for medical-related service providers. The Senate provided a 4 percent annual inflationary increase. | | | 1,460,523 | \$2,984,708 |
| | | | | 4,445,231 |
| Removes funding for grants - Medical assistance added by the Senate for increasing medically needy income levels from 61 to 83 percent of poverty | | | (2,529,690) | (4,493,325) |
| | | | | (7,023,015) |
| Removes funding for grants - Medical assistance added by the Senate to provide continuous Medicaid eligibility for children under 19 years of age who are either categorically or optionally categorically needy beginning January 2008. The section added by the Senate providing that the department monitor and report on these expenditures is also removed. A new section is added providing for a Legislative Council study of the feasibility and desirability of allowing continuous Medicaid eligibility for this population. | | | (2,281,110) | (4,051,789) |
| | | | | (6,332,899) |
| Reduces funding for grants - Medical assistance to reflect an anticipated reduction in the cost and caseload/utilization of the following medical assistance services from the amounts included in the executive budget and Senate version: | | | | |
| Inpatient hospital | | | (1,000,000) | (1,776,236) |
| Drugs | | | (1,783,368) | (3,167,035) |
| Healthy Steps | | | (200,000) | (593,336) |
| Durable medical equipment | | | (166,269) | (295,177) |
| | | | | (461,446) |
| Reduces funding for grants - Medical assistance to remove 5 percent inflationary increases for dental payments under the Medicaid program | | | (313,738) | (557,414) |
| | | | | (871,152) |
| Adds funding for grants - Medical assistance to increase Medicaid payment rates for in-state hospitals to the maximum base rate | | | 1,394,469 | 2,476,904 |
| | | | | 3,871,373 |
| Adds funding for grants - Medical assistance to increase Medicaid payment rates for chiropractic services to 50 percent of fiscal year 2006 billed charges | | | 31,845 | 56,564 |
| | | | | 88,409 |
| Adds funding for grants - Medical assistance to increase Medicaid payment rates for ambulance services | | | 125,000 | 222,029 |
| | | | | 347,029 |
| Adds operating expenses funding and a section to the bill requiring the department to develop a method for rebasing hospital, physician, ambulance, and chiropractic services payment rates under the Medicaid program | | | 175,000 | 175,000 |
| | | | | 350,000 |
| Long-Term Care Program | | | | |
| Adds funding to provide a 5 percent annual inflationary increase for long-term care service providers. The Senate provided a 4 percent annual inflationary increase. Of the total, \$1,144,080 is from the health care trust fund for the additional state matching funds relating to nursing homes. | | | 2,250,639 | 6,362,624 |
| | | | | 8,613,263 |

| | | | |
|---|-------------|----------------|----------------|
| Adds funding for grants - Medical assistance to continue the same SPED eligibility criteria as the 2005-07 biennium | 1,537,030 | 80,896 | 1,617,926 |
| Removes funding for grants - Medical assistance to continue the \$50 per month personal care allowance for residents of nursing homes and intermediate care facilities for persons with mental retardation. The Senate had provided a \$55 per month allowance. | | (499,850) | (499,850) |
| Reduces funding for grants - Medical assistance to reflect an anticipated reduction in the cost and caseload/utilization of nursing home, aged and disabled waiver, basic care, and personal care option services from the amounts included in the executive budget and Senate version | (6,185,000) | (10,986,015) | (17,171,015) |
| Reduces funding for grants - Medical assistance to reflect an anticipated reduction in the cost and caseload/utilization of basic care services from the amounts included in the executive budget and Senate version | (216,537) | (145,565) | (362,102) |
| Reduces funding for grants - Medical assistance to reflect an anticipated reduction in the cost and caseload/utilization of developmental disabilities services from the amounts included in the executive budget and Senate version | (3,575,000) | (6,350,042) | (9,925,042) |
| Reduces funding added by the Senate from \$900,000 to \$200,000 from the general fund for the transition of selected Developmental Center residents to community programs | (700,000) | (1,243,365) | (1,943,365) |
| Reduces funding added by the Senate from \$300,000 to \$200,000 from the general fund for increasing the payment rates for children who are severely medically fragile residing at the Anne Carlsen Center for Children | (100,000) | (177,624) | (277,624) |
| Reduces funding added by the Senate from \$200,000 to \$150,000 from the general fund for increasing payment rates for facilities serving children with behavioral challenges | (50,000) | (88,812) | (138,812) |
| Aging Services Program | | | |
| No changes | | | |
| Children and Family Services Program | | | |
| Adds funding to provide a 5 percent annual inflationary increase for children and family service providers. The Senate provided a 4 percent annual inflationary increase. | 284,489 | 561,958 | 846,447 |
| Reduces funding for grants to reflect an anticipated reduction in the cost and caseload/utilization of subsidized adoption services from the amounts included in the executive budget and Senate version | (300,000) | (426,392) | (726,392) |
| Reduces grants funding added by the Senate to provide a total of \$200,000 from the general fund for Children's Advocacy Centers in Bismarck and Fargo. The executive budget recommended \$100,000 and the Senate provided a total of \$500,000. | (300,000) | | (300,000) |
| Adds funding from federal TANF block grant funds for grants to increase reimbursements for county child abuse and neglect assessments by \$100 per assessment | | 770,800 | 770,800 |
| Mental Health and Substance Abuse Program | | | |
| Adds funding to provide a 5 percent annual inflationary increase for the department's contract service providers. The Senate provided a 4 percent annual inflationary increase. | 5,225 | | 5,225 |
| Developmental Disabilities Council | | | |
| Adds funding to provide a 5 percent annual inflationary increase for the department's contract service providers. The Senate provided a 4 percent annual inflationary increase. | 14,506 | | 14,506 |
| Disabilities Program | | | |
| Reduces funding added by the Senate to provide a total of \$350,000 from the general fund for the interagency program for assistive technology | (150,000) | | (150,000) |
| Reduces funding added by the Senate for centers for independent living. The House version provides a total of \$1,381,457, of which \$546,040 is from the general fund. The executive budget recommended \$1,131,457, of which \$296,040 is from the general fund and the Senate provided \$1,631,457, of which \$796,040 is from the general fund. | (250,000) | | (250,000) |
| Total House Changes - Program and Policy | 0.00 | (\$13,707,002) | (\$21,160,494) |
| | | | (\$34,867,496) |

Senate Bill No. 2012 - Department of Human Services - State Hospital - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION | | |
|--|----------------------------|--|-------------------------------|--|---------------------|------------|
| Traditional Secure Institutions | \$52,371,738 12,587,384 | \$52,371,738 12,587,384 <u>167,482</u> | <u>(\$433,758)</u> | \$52,371,738 12,587,384 <u>(266,276)</u> | | |
| Total all funds | \$64,959,122 | \$65,126,604 | (\$433,758) | \$64,692,846 | | |
| Less estimated income | <u>15,888,310</u> | <u>15,888,310</u> | <u>(1,445)</u> | <u>15,886,865</u> | | |
| General fund | \$49,070,812 | \$49,238,294 | (\$432,313) | \$48,805,981 | | |
| FTE | 465.01 | 466.51 | (1.50) | 465.01 | | |
| | | | FTE | GENERAL FUND | ESTIMATED INCOME | TOTAL |
| ¹ State Hospital - House Changes: | | | | | | |
| Removes .5 of the 1.5 FTE positions added by the Senate for increasing security in the secure services unit | | | (0.50) | (\$63,285) | | (\$63,285) |
| Removes funding for a vocational training position in the secure services unit added in the executive budget | | | (1.00) | (69,028) | (\$1,445) | (70,473) |

Reduces funding for capital improvements from
\$3,362,757 to \$3,062,757

(300,000)

(300,000)

Total House Changes - State Hospital

(1.50)

(\$432,313)

(\$1,445)

(\$433,758)

Senate Bill No. 2012 - Department of Human Services - Developmental Center - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|------------------------------------|---------------------|---------------------|-------------------------------|---------------------|
| Human service centers/institutions | <u>\$48,456,612</u> | <u>\$48,456,612</u> | <u>(\$700,000)</u> | <u>\$47,756,612</u> |
| Total all funds | \$48,456,612 | \$48,456,612 | (\$700,000) | \$47,756,612 |
| Less estimated income | <u>33,243,690</u> | <u>33,243,690</u> | | <u>33,243,690</u> |
| General fund | \$15,212,922 | \$15,212,922 | (\$700,000) | \$14,512,922 |
| FTE | 449.54 | 449.54 | 0.00 | 449.54 |

FTE

GENERAL
FUNDESTIMATED
INCOME

TOTAL

¹**Developmental Center - House Changes:**

Reduces funding for capital improvement projects from the
general fund from \$947,092 to \$300,000

(\$647,092)

(\$647,092)

Reduces funding for extraordinary repairs from \$600,000
to \$547,092

(52,908)

(52,908)

Total House Changes - Developmental Center

0.00

(\$700,000)

\$0

(\$700,000)

Senate Bill No. 2012 - Human Service Centers - General Fund Summary

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|-------------------------|---------------------|-------------------|-------------------------------|------------------|
| DHS - Northwest HSC | \$4,389,323 | \$4,409,698 | (\$34,265) | \$4,375,433 |
| DHS - North Central HSC | 8,924,775 | 8,970,346 | (65,629) | 8,904,717 |
| DHS - Lake Region HSC | 5,436,010 | 5,465,764 | (38,006) | 5,427,758 |
| DHS - Northeast HSC | 9,936,283 | 9,969,979 | (89,904) | 9,880,075 |
| DHS - Southeast HSC | 11,848,875 | 11,910,196 | (86,359) | 11,823,837 |
| DHS - South Central HSC | 8,291,192 | 8,320,442 | (73,869) | 8,246,573 |
| DHS - West Central HSC | 10,440,940 | 10,470,232 | (100,548) | 10,369,684 |
| DHS - Badlands HSC | <u>5,003,380</u> | <u>5,017,294</u> | <u>(48,247)</u> | <u>4,969,047</u> |
| Total general fund | \$64,270,778 | \$64,533,951 | (\$536,827) | \$63,997,124 |

Senate Bill No. 2012 - Human Service Centers - Other Funds Summary

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|-------------------------|---------------------|-------------------|-------------------------------|------------------|
| DHS - Northwest HSC | \$3,136,258 | \$3,136,258 | | \$3,136,258 |
| DHS - North Central HSC | 7,917,967 | 7,917,967 | | 7,917,967 |
| DHS - Lake Region HSC | 4,417,334 | 4,417,334 | | 4,417,334 |
| DHS - Northeast HSC | 12,256,322 | 12,260,487 | \$4,165 | 12,264,652 |
| DHS - Southeast HSC | 14,296,599 | 14,296,599 | | 14,296,599 |
| DHS - South Central HSC | 6,450,546 | 6,460,823 | 10,277 | 6,471,100 |
| DHS - West Central HSC | 10,327,232 | 10,343,709 | 16,476 | 10,360,185 |
| DHS - Badlands HSC | <u>4,845,616</u> | <u>4,845,756</u> | <u>141</u> | <u>4,845,897</u> |
| Total other funds | \$63,647,874 | \$63,678,933 | \$31,059 | \$63,709,992 |

Senate Bill No. 2012 - Human Service Centers - All Funds Summary

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|-------------------------|---------------------|-------------------|-------------------------------|------------------|
| DHS - Northwest HSC | \$7,525,581 | \$7,545,956 | (\$34,265) | \$7,511,691 |
| DHS - North Central HSC | 16,842,742 | 16,888,313 | (65,629) | 16,822,684 |
| DHS - Lake Region HSC | 9,853,344 | 9,883,098 | (38,006) | 9,845,092 |
| DHS - Northeast HSC | 22,192,605 | 22,230,466 | (85,739) | 22,144,727 |
| DHS - Southeast HSC | 26,145,474 | 26,206,795 | (86,359) | 26,120,436 |
| DHS - South Central HSC | 14,741,738 | 14,781,265 | (63,592) | 14,717,673 |
| DHS - West Central HSC | 20,768,172 | 20,813,941 | (84,072) | 20,729,869 |
| DHS - Badlands HSC | <u>9,848,996</u> | <u>9,863,050</u> | <u>(48,106)</u> | <u>9,814,944</u> |
| Total all funds | \$127,918,652 | \$128,212,884 | (\$505,768) | \$127,707,116 |
| FTE | 838.73 | 838.73 | 0.00 | 838.73 |

¹ Funding for the human service centers provided from the general fund is reduced as follows:

| HUMAN SERVICE CENTER | GENERAL FUND |
|----------------------------|-----------------|
| Northwest | (\$54,640) |
| North Central | (111,200) |
| Lake Region | (67,760) |
| Northeast | (123,600) |
| Southeast | (147,680) |
| South Central | (103,120) |
| West Central | (129,840) |

| | |
|----------|-------------|
| Badlands | (62,160) |
| Total | (\$800,000) |

Funding is added for the human service centers as listed below to provide a 5 percent annual inflationary increase for human service center contract service providers. The Senate provided a 4 percent increase and the executive budget recommended a 3 percent increase.

| HUMAN SERVICE CENTER | GENERAL FUND | ESTIMATED INCOME | TOTAL |
|----------------------------|-----------------|---------------------|-----------|
| Northwest | \$20,375 | | \$20,375 |
| North Central | 45,571 | | 45,571 |
| Lake Region | 29,754 | | 29,754 |
| Northeast | 33,696 | \$4,165 | 37,861 |
| Southeast | 61,321 | | 61,321 |
| South Central | 29,251 | 10,277 | 39,528 |
| West Central | 29,292 | 16,476 | 45,768 |
| Badlands | 13,913 | 141 | 14,054 |
| Total | \$263,173 | \$31,059 | \$294,232 |

Other changes to Senate Bill No. 2012:

Section 4 of the engrossed bill is changed to remove authority for the department to hire additional FTE positions without Emergency Commission approval.

Section 7 of the engrossed bill is changed to remove specific reference to the Robinson Recovery Center.

Section 10 of the engrossed bill added by the Senate providing for a Legislative Council study of the use of local property tax revenues to finance the delivery of human services is removed.

Sections added by the Senate changing the statutory name of qualified service providers to home service providers beginning July 2008 are removed.

Sections are added which:

- Identify one-time funding included in the budget and provide for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.
- Remove the requirement that entities contracting to provide guardianship services to vulnerable adults maintain a system of volunteer guardians.
- Provide for a Legislative Council study of infant development services and funding.
- Provide for a Legislative Council study of nursing home equalization of rates and provider taxes/assessments on nursing homes.
- Provide legislative intent that developmental disabilities service providers give priority to using the increased funding being provided for the 2007-09 biennium for increasing their employees' salaries.

REPORT OF STANDING COMMITTEE

SB 2030, as engrossed and amended: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2030, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1101-1103 of the House Journal, Engrossed Senate Bill No. 2030 is amended as follows:

Page 1, line 1, after "15.1-09.1" insert "and a new section to chapter 15.1-13"

Page 1, line 2, replace "area service providers" with "regional education associations and teacher licensure requirements"

Page 1, line 6, replace "educational" with "regional education", after "agreements" insert "; to provide for legislative council studies", and remove "and"

Page 1, line 7, after "council" insert "; and to declare an emergency"

Page 1, line 13, replace "area service providers" with "regional education associations"

Page 1, line 15, replace "area service providers" with "regional education associations"

Page 4, line 7, replace "area service provider" with "regional education association"

Page 4, line 11, replace "**Area service provider**" with "**Regional education association**"

Page 4, line 13, replace "an area service provider" with "a regional education association"

Page 5, line 1, replace "area service providers" with "regional education associations"

Page 5, line 2, replace "area service providers from providing" with "regional education associations to provide"

Page 5, line 9, replace "an area service provider" with "a regional education association"

Page 5, line 12, replace "an area service provider" with "a regional education association"

Page 5, line 15, replace "an area service provider" with "a regional education association"

Page 6, line 19, replace "an area service provider" with "a regional education association"

Page 7, line 11, replace "area service provider" with "regional education association"

Page 7, line 13, replace "area service provider" with "regional education association"

Page 7, line 16, replace "**Area service providers**" with "**Regional education association**"

Page 7, line 17, replace "An area service provider" with "A regional education association"

Page 7, line 20, replace "**Area service providers**" with "**Regional education association**"

Page 7, line 21, replace "An area service provider" with "A regional education association"

Page 7, line 28, replace "**Area service providers**" with "**Regional education associations**"

Page 7, line 29, replace "An area service provider" with "A regional education association"

Page 8, line 1, replace "an area" with "a regional education association"

Page 8, line 2, remove "service provider"

Page 8, line 3, replace "provider's" with "association's"

Page 8, line 5, replace "**Area service provider**" with "**Regional education association**"

Page 8, line 6, replace "an area service provider" with "a regional education association"

Page 8, line 8, replace "provider" with "association"

Page 8, line 10, replace "area service" with "regional education association"

Page 8, line 11, remove "provider" and replace "provider's" with "association's"

Page 8, line 13, replace "an area service provider" with "a regional education association"

Page 8, line 18, replace "**area service provider**" with "**a regional education association**"

Page 8, line 21, replace "an area service provider" with "a regional education association" and replace "area service provider of" with "association in"

Page 8, line 22, replace "is a member" with "participates"

Page 8, line 27, replace "an area service provider" with "a regional education association"

Page 8, after line 29, insert:

"**SECTION 5.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Student teaching requirements - Teachers licensed in other states. If an individual who is or was licensed to teach in another state applies for a license to teach in this state, the education standards and practices board may not impose on the individual any student teaching requirements as a condition of licensure. This section is applicable to an individual who graduated from a state-approved regular education program but not to an individual who completed an alternative education program as a condition of licensure."

Page 9, line 4, replace "an area service provider" with "a regional education association"

Page 9, after line 18, insert:

"SECTION 8. LEGISLATIVE COUNCIL STUDY - HIGH SCHOOL CURRICULA. The legislative council shall consider studying, during the 2007-08 interim, the appropriateness and adequacy of high school curricula, with respect to preparing students for higher education and for the workplace. The study should examine curricular changes implemented in other states and expectations placed on students in other countries. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 9. LEGISLATIVE COUNCIL STUDY - SERVICES TO ENGLISH LANGUAGE LEARNERS. The legislative council shall consider studying, during the 2007-08 interim, the delivery of services to English language learners, including federal requirements, instructional options, assistance from the private sector, and the short-term and long-term budgetary impacts on the school districts and taxpayers of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 10. LEGISLATIVE COUNCIL STUDY - REAUTHORIZATION OF THE NO CHILD LEFT BEHIND ACT. The legislative council shall consider studying, during the 2007-08 interim, the reauthorization of the No Child Left Behind Act, including the effect of proposed changes on the students, teachers, and school districts of this state, the manner in which state assessments are conducted, the reporting and utilization of assessment results, and the performance of North Dakota students. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 11. LEGISLATIVE COUNCIL STUDY - AFTERSCHOOL PROGRAMS. The legislative council shall consider studying, during the 2007-08 interim, federally funded afterschool programs being offered to North Dakota students, including the content of the programs, applicable regulations, targeted students, and the direct and indirect costs and benefits of the programs. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 12. P-16 EDUCATION TASK FORCE - CONTINUATION OF STUDY - REPORTS TO LEGISLATIVE COUNCIL. The P-16 education task force, as created during the 2005-06 interim through the joint efforts of the state board of public school education, the state board of higher education, the education standards and practices board, and the state board for career and technical education shall continue its study of the relationship between providers of elementary and secondary education and providers of higher education, the relationship between all education providers and employers, and the commonalities between educational success, employment opportunities, worker advancement, and local, regional, and statewide economic growth and development. The task force shall develop practical short-term and long-term recommendations that will result in seamless transitions from school to work and ultimately enable North Dakota students to compete efficiently and effectively in a global environment. The task force shall present its recommendations, together with periodic updates regarding its efforts, to the North Dakota commission on education improvement and the North Dakota legislative council."

Page 9, line 19, replace "AREA SERVICE PROVIDERS" with "REGIONAL EDUCATION ASSOCIATIONS"

Page 9, line 20, remove "GOVERNED BY JOINT POWERS AGREEMENTS"

Page 9, line 22, replace "area service provider" with "regional education association"

Page 9, line 24, replace "area service provider" with "regional education association"

Page 9, line 25, replace "area service providers" with "regional education associations"

Page 9, after line 29, insert:

"SECTION 14. LEGISLATIVE COUNCIL STUDY - REGIONAL EDUCATION ASSOCIATIONS. The legislative council shall consider studying, during the 2007-08 interim, the short-term and long-term involvement of regional education associations and shall include the feasibility and desirability of regional education associations becoming political subdivisions; whether teachers should be employed directly by regional education associations, and whether that employment should include bargaining rights, contract renewal and nonrenewal provisions, participation in the teachers' fund for retirement, and participation in the state's uniform group insurance program; the impact that allowing regional education associations to hire teachers directly would have on the recruitment and retention of teachers currently employed by school districts and on teacher salary levels; whether teacher employment contracts, if offered by regional education associations, would have to parallel those of participating school districts with respect to common school calendars, annual or personal leave provisions, and other contractual benefits; the conduct of evaluations, if teachers are employed directly by regional education associations, including who will conduct the evaluations, their frequency, and the criteria upon which the evaluations are based; the organizational structure of regional education associations, including the qualifications of administrative or supervisory personnel; the governance structure of regional education associations; and state level oversight. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Page 9, after line 31, insert:

"SECTION 16. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$540,000" with "\$200,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the general fund appropriation for grants to domestic violence sexual assault organizations from \$540,000 to \$200,000.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1190, remove lines 32 and 33

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

SIXTH ORDER OF BUSINESS

SB 2016, as engrossed: REP. CARLSON (Appropriations Committee) MOVED that the amendments on HJ pages 1177-1179 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide for a transfer; to provide statements of legislative intent; to provide for a legislative council study; and to amend and reenact section 6 of

chapter 17 of the 2005 Session Laws, relating to the payment of adjusted compensation to veterans.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Solberg

Engrossed SB 2016, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2115: A BILL for an Act to amend and reenact sections 37-01-04, 37-07.2-01, 37-28-01, 37-28-02, and 37-28-03 of the North Dakota Century Code, relating to the governor's authority to call out the national guard for training, national guard tuition grants, the definition of resident for military adjusted compensation, and the time period for filing claims; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Solberg

SB 2115 passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

SB 2009, as engrossed: REP. KLEIN (Appropriations Committee) MOVED that the amendments on HJ pages 1169-1173 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact sections 4-01-19, 4-01-21, and 4-37-02 of the North Dakota Century Code, relating to pride of Dakota moneys, the salary of the agriculture commissioner and the agriculture in the classroom council; to provide for transfers; to provide for legislative intent; to provide an effective 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 79 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Wald; Wall; Wieland; Williams; Wolf; Zaiser

NAYS: Belter; DeKrey; Drovda; Froelich; Kasper; Owens; Ruby; Thorpe; Vigasaa; Weiler; Weisz; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Solberg

Engrossed SB 2009, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

SB 2019, as engrossed: REP. WALD (Appropriations Committee) MOVED that the amendments on HJ pages 1184-1186 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to provide contingent appropriations for the international music camp and marina construction; to provide for a transfer; to amend and reenact section 54-44.4-02 of the North Dakota Century Code, relating to state procurement; to provide for a report; 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 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham

NAYS: Belter; Headland; Weiler; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Solberg

Engrossed SB 2019, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to provide an appropriation for the mitigation of crop damage by blackbirds.

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 81 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boucher; Brandenburg; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Potter; Price; Schmidt; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

NAYS: Carlisle; Dietrich; Dosch; Kasper; Porter; Ruby; Thoreson; Weiler; Zaiser

ABSENT AND NOT VOTING: Boe; Boehning; Schneider; Solberg

Reengrossed SB 2179 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2323, as amended: REP. KLEIN (Appropriations Committee) MOVED that the amendments on HJ pages 1229-1230 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to amend and reenact section 19-18-04 of the North Dakota Century Code, relating to pesticide registration fees.

ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Solberg

SB 2323, as further amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2338, as amended: REP. KLEIN (Appropriations Committee) MOVED that the amendments on HJ pages 1230-1231 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the state board of animal health; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.;

Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Solberg

SB 2338, as further amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to amend and reenact section 9 of chapter 15 of the 2005 Session Laws, relating to Bank of North Dakota transfers to the general fund; 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 NOT PASS, the roll was called and there were 6 YEAS, 85 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Gulleeson; Kaldor; Porter; Thoreson; Weiler; Wolf

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Herbel; Solberg

SB 2339 lost.

SIXTH ORDER OF BUSINESS

SB 2356, as engrossed: REP. GLASSHEIM (Appropriations Committee) MOVED that the amendments on HJ pages 1231-1232 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to create and enact section 54-27.2-01.1 of the North Dakota Century Code, relating to the creation of the legislative initiative fund; to amend and reenact sections 54-27.2-01 and 54-27.2-02 of the North Dakota Century Code, relating to the budget stabilization fund; to provide an effective 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 NOT PASS, the roll was called and there were 10 YEAS, 82 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; Drovdal; Froseth; Klein; Klemin; Monson; Pollert; Thoreson; Wrangham; Speaker Delzer

NAYS: Aarsvold; Amerman; Bellew; Belter; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Glassheim; Grande; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser

ABSENT AND NOT VOTING: Boe; Solberg

Engrossed SB 2356, as amended, lost.

MOTION

REP. MONSON MOVED that the House stand in recess until 3:15 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Delzer presiding.

SIXTH ORDER OF BUSINESS

SB 2003, as engrossed: REP. CARLISLE (Appropriations Committee) MOVED that the amendments on HJ pages 1160-1163 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for crime laboratory building project carryover authority; to authorize the use of state property; to provide for budget section reports; to provide legislative intent; and to amend sections 54-12-11 and 54-59-21 of the North Dakota Century Code, relating to the salary of the attorney general and the criminal justice information sharing system.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

NAYS: Dosch; Drovdal; Kasper; Meier, L.; Weiler; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Klein; Solberg

Engrossed SB 2003, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2103: A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota Century Code, relating to the cost of acute forensic medical examinations for alleged victims of sexual assault; to provide an appropriation; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt;

Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Klein; Solberg

Reengrossed SB 2103, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to provide an appropriation to the attorney general for computerized sexual offender registration kiosks; and to provide for a legislative council study of the feasibility and desirability of implementing a system of computerized registration sites for criminal offenders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Klein; Solberg

Engrossed SB 2161, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2260, as amended: REP. KEMPENICH (Appropriations Committee) MOVED that the amendments on HJ pages 1227-1228 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24, a new section to chapter 19-03.1, a new section to chapter 43-12.1, a new subsection to section 43-15-10, a new section to chapter 43-23, and a new section to chapter 43-41 of the North Dakota Century Code, relating to criminal history record checks; to amend and reenact sections 12-60-16.5, 12-60-16.6, 12-60-24, 15.1-06-06, 15.1-13-14, 32-28-02, 50-11-01, 50-11-02.4, 50-11-06.8, 50-11-06.9, 50-11.3-01, and 50-12-03.2, subsection 4 of section 53-06.2-05, and section 54-59-20 of the North Dakota Century Code, relating to criminal history record checks; and to declare an emergency.

ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Froelich; Klein; Solberg

SB 2260, as further amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact sections 25-03.3-03, 25-03.3-03.1, 25-03.3-04, 25-03.3-05, 25-03.3-06, 25-03.3-08, 25-03.3-09, 25-03.3-10, 25-03.3-13, 25-03.3-17, 25-03.3-18, 25-03.3-20, and 25-03.3-24 of the North Dakota Century Code, relating to the civil commitment of sexually dangerous individuals; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Froelich; Klein; Solberg

SB 2340, as amended, lost.

SECOND READING OF SENATE BILL

SB 2382: A BILL for an Act to provide for an appropriation to the attorney general for the purpose of funding bureau of criminal investigation computerized investigations and examinations.

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, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Froelich; Klein; Solberg

SB 2382 lost.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to provide for ownership and maintenance for the medal of honor monument; and to provide an appropriation for the medal of honor monument.

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 69 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Dietrich; Dosch; Ekstrom; Glassheim; Grande; Gulleson; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Vig; Vigesaa; Wald; Wall; Wieland; Williams; Wolf; Wrangham

NAYS: Boehning; Brandenburg; Dahl; DeKrey; Drovda; Froseth; Griffin; Gruchalla; Haas; Heller; Herbel; Keiser; Kingsbury; Pietsch; Pollert; Svedjan; Uglem; Weiler; Weisz; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Froelich; Klein; Solberg

Reengrossed SB 2349 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2375: A BILL for an Act to amend and reenact sections 39-01-16, 39-02-03.1, 39-06-34, 39-06.1-11, 39-06.2-10.6, 39-06.2-10.7, and 39-06.2-10.8, subsection 1 of section 39-20-03.1, section 39-20-03.2, subsection 1 of section 39-20-04, sections 39-20-05 and 39-20-06, and subsection 1 of section 54-57-03 of the North Dakota Century Code, relating to the transfer of administrative hearings from the department of transportation to the office of administrative hearings; and to provide for transition.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 68 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Berg; Carlisle; Carlson; Dahl; Delmore; Glassheim; Griffin; Hawken; Johnson, D.; Kasper; Kelsch, R.; Koppelman; Kretschmar; Kroeber; Meyer, S.; Nelson; Porter; Schneider; Weiler; Wrangham; Zaiser

NAYS: Aarsvold; Amerman; Bellew; Belter; Boehning; Boucher; Brandenburg; Charging; Clark; Conrad; Damschen; DeKrey; Dietrich; Dosch; Drovda; Ekstrom; Froseth; Grande; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, N.; Kaldor; Karls; Keiser; Kempenich; Kerzman; Kingsbury; Klemin; Kreidt; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Potter; Price; Ruby; Schmidt; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Froelich; Kelsh, S.; Klein; Solberg

Engrossed SB 2375, as amended, lost.

SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to create and enact three new sections to chapter 54-60 of the North Dakota Century Code, relating to renewable energy council grants and the renewable energy development fund; to amend and reenact section 4-14.1-09 of the North Dakota Century Code, relating to ethanol and renewable fuels incentives; to provide an appropriation; and to provide a continuing appropriation.

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 80 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovda;

Ekstrom; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weisz; Wieland; Williams; Wolf; Zaiser

NAYS: Belter; Dosch; Froseth; Kasper; Meier, L.; Weiler; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Froelich; Kelsh, S.; Klein; Solberg; Wald

Engrossed SB 2288, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2180, as engrossed and amended: REP. CLARK (Natural Resources Committee)

MOVED that the amendments on HJ page 1193 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to amend and reenact sections 6-09.17-01, 6-09.17-02, 6-09.17-03, and 6-09.17-04 of the North Dakota Century Code, relating to the biofuel partnership in assisting community expansion fund; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Delzer

NAYS: Dosch; Weiler; Wrangham

ABSENT AND NOT VOTING: Boe; Froelich; Klein; Solberg

Engrossed SB 2180, as further amended, passed and the title was agreed to.

MOTION

REP. MONSON MOVED that SB 2246 be moved to the bottom of the Fourteenth order, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2018: REP. MARTINSON (Appropriations Committee) MOVED that the amendments on HJ pages 1182-1184 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 14 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Delmore; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Williams; Wolf; Zaiser

NAYS: Boehning; Brandenburg; Damschen; DeKrey; Dietrich; Grande; Headland; Koppelman; Pollert; Ruby; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Froelich; Klein; Solberg

SB 2018, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2341, as reengrossed: REP. CARLISLE (Appropriations Committee) MOVED that the amendments on HJ page 1231 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to provide a statement of legislative intent and legislative support; and to provide a contingent appropriation to the office of management and budget for the heritage center expansion project.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 56 YEAS, 34 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Carlisle; Charging; Conrad; Delmore; Dosch; Ekstrom; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Schmidt; Schneider; Sukut; Thoreson; Thorpe; Vig; Wall; Weiler; Williams; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Dietrich; Drovdal; Froseth; Grande; Headland; Heller; Herbel; Hofstad; Kasper; Klemin; Kreidt; Monson; Pinkerton; Pollert; Ruby; Skarphol; Svedjan; Uglem; Vigesaa; Wald; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Froelich; Klein; Solberg

Reengrossed SB 2341, as amended, passed and the title was agreed to.

MOTION

REP. BERG MOVED that House Rule 508 be amended from the 56th Legislative Day to the 58th Legislative Day, which motion prevailed.

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

MR. SPEAKER: The President has signed: HB 1073, HB 1091, HB 1128, HB 1365, HB 1477, HCR 3022, HCR 3036, HCR 3041, HCR 3043, HCR 3062.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2217, SB 2353, SCR 4026.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1171, HB 1279.

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

MR. SPEAKER: The President has signed: SCR 4005, SCR 4006, SCR 4008, SCR 4017, SCR 4018, SCR 4019, SCR 4025, SCR 4028, SCR 4029.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2193, SB 2194, SB 2195, SB 2196, SB 2214, SB 2234, SB 2241, SB 2252, SB 2255, SB 2266, SB 2299, and SB 2319.

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

MR. SPEAKER: The President has signed: SB 2145.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4035.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2248 and wishes to inform you that the Senate has dissolved the Senate Conference Committee on SB 2248.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2060, SB 2072, SB 2172, and SB 2379 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2060: Sens. J. Lee; Oehlke; Horne

SB 2072: Sens. Wanzek; Klein; Behm

SB 2172: Sens. Tollefson; Cook; Horne

SB 2379: Sens. Erbele; J. Lee; Warner

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

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

HB 1065: Sens. Andrist; G. Lee; Bakke

HB 1303: Sens. Cook; Urlacher; Triplett

HB 1317: Sens. Cook; Oehlke; Anderson

HB 1334: Sens. G. Lee; Andrist; Fiebiger

HB 1380: Sens. Oehlke; Dever; Marcellais

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2025, SB 2029, SB 2036, SB 2040, SB 2045, SB 2047, SB 2053, SB 2071, SB 2074, SB 2076, SB 2096, SB 2108, and SB 2128.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

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

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2179.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2339.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently failed: SB 2356.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2115.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2016, SB 2323, SB 2338.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2103, SB 2260.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2349.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2382.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently failed: SB 2340, SB 2375.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2003, SB 2018, SB 2161, SB 2180, SB 2288.

MOTION

REP. MONSON MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. MONSON MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, March 29, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2015, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2015 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 3, after "exemption" insert "; to create and enact a new section to chapter 6-09 and a new section to chapter 55-10 of the North Dakota Century Code, relating to earnings and profits of the Bank of North Dakota and historical sites; to amend and reenact sections 15-69-02, 15-69-03, 15-69-04, 15-69-05, 24-02-37, and 39-04-39 of the North Dakota Century Code, relating to centers of excellence, state highway fund, and registration fees; to provide an appropriation; to provide for reports to the budget section; to create a legislative council medical assistance committee; to provide legislative intent; to provide an effective date; and to provide an expiration date"

Page 1, line 22, replace "125,058" with "1,625,058"

Page 1, line 23, replace "(954,970)" with "151,030"

Page 2, line 1, replace "(388,000)" with "(335,000)"

Page 2, line 5, replace "(\$38,059,031)" with "(\$35,400,031)"

Page 2, line 6, replace "(39,749,959)" with "(38,224,959)"

Page 2, line 7, replace "1,690,928" with "2,824,928"

Page 2, line 14, replace "13,720,144" with "15,220,144"

Page 2, line 15, replace "10,386,136" with "11,492,136"

Page 2, line 17, replace "1,000" with "54,000"

Page 2, line 18, replace "28,752,299" with "31,411,299"

Page 2, line 19, replace "6,905,360" with "8,430,360"

Page 2, line 20, replace "21,846,939" with "22,980,939"

Page 2, after line 29, insert:

"SECTION 6. APPROPRIATION - WILLISTON RESEARCH CENTER - NESSON VALLEY IRRIGATION PROJECT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$180,000, or so much of the sum as may be necessary, to the Williston research center for the nesson valley irrigation project, including \$100,000 for operating costs and \$80,000 for salaries and wages, for the biennium beginning July 1, 2007, and ending June 30, 2009. The Williston research center is authorized one full-time technician position for this project.

SECTION 7. INTENT. Within the authority included in section 3 of this Act are the following grants and special items:

| | |
|--|-------------|
| Boys and girls clubwork | \$53,000 |
| State contingencies | \$500,000 |
| State memberships and related expenses | \$581,000 |
| Unemployment insurance | \$1,500,000 |
| Capitol grounds planning commission | \$25,000 |

SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$3,000,000 for the one-time funding item identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The office of management and budget shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

| | |
|----------------------|-------------|
| Deferred maintenance | \$3,000,000 |
|----------------------|-------------|

SECTION 9. REPORT ON SALARY EQUITY. The office of management and budget shall report to the budget section on the status of salary equity for state employees by June 30, 2008.

SECTION 10. ONE-TIME FUNDING - NORTH DAKOTA UNIVERSITY SYSTEM. Notwithstanding the one-time funding section contained in House Bill No. 1003, the allocation of \$3,700,000 for connectND system support included in the grand total general fund appropriation line item in section 3 of House Bill No. 1003, as amended by the senate, is to be considered a part of the institutions' base budgets to be used in preparing the 2009-11 executive budget.

SECTION 11. LEGISLATIVE INTENT - CRIME LABORATORY - USE OF SPACE BY STATE DEPARTMENT OF HEALTH. It is the intent of the sixtieth legislative assembly that the facility management division of the office of management and budget develop a plan for the state department of health to assume control of the existing crime laboratory space from the attorney general's office when the new crime laboratory is completed. The plan should also identify additional space in the judicial wing of the state capitol, currently occupied by the state department of health, to be made available for the supreme court.

SECTION 12. BUDGET SECTION TOUR GROUP REVIEW. Institutions shall report to any budget section tour group that visits the institution during the 2007-08 interim on the status of the extraordinary repairs funded in the institutions' budgets and the tour groups shall review the status of the repairs as part of the tour of the institution.

SECTION 13. LEGISLATIVE INTENT - STATE WATER COMMISSION - MAPPING PROJECT. It is the intent of the sixtieth legislative assembly that the state water commission provide up to \$300,000 for the Red River basin mapping initiative to develop a high-resolution digital evaluation model. The funding for this project is from within existing appropriation authority of the state water commission and is contingent upon additional federal funding being available for this project.

SECTION 14. HIGHER EDUCATION INSTITUTION BUDGET DETAIL - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The North Dakota university system shall provide to the appropriations committees of the sixty-first legislative assembly a budget detail report for each institution in the North Dakota university system and a composite report of major categories of the university system. These reports are to be in addition to the normal budget presentation.

SECTION 15. Legislative council medical assistance committee - Membership - Duties - Continuing appropriation.

1. The legislative council shall appoint a medical assistance committee. Membership of the committee must include:
 - a. Five members of the house of representatives, three of whom must be selected by the leader representing the majority faction of the house of representatives and two of whom must be selected by the leader representing the minority faction of the house of representatives.

federal funds or other income, the sum of \$150,000, or so much of the sum as may be necessary, to the legislative council for the purpose of obtaining consultant services for the medical assistance program analysis described in section 15 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 17. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, and from special funds derived from federal funds or other income, the sum of \$100,000, or so much of the sum as may be necessary, to the legislative council for the purpose of obtaining consultant services for analyzing the implementation progress of the medical assistance program management initiatives described in section 15 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 18. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Earnings and profits of the Bank - Limitation on transfers. Subject to legislative appropriation or transfer, the industrial commission may transfer earnings and accumulated undivided profits of the Bank to the state general fund or to a special fund. The transfer authority granted under this section is limited to transfers that do not reduce the Bank's capital structure to less than eight percent of the Bank's average assets for the last quarter of the calendar year preceding the end of each biennium.

SECTION 19. AMENDMENT. Section 15-69-02 of the North Dakota Century Code is amended and reenacted as follows:

15-69-02. (Effective through July 31, 2011) Centers of excellence.

1. The board shall establish a centers of excellence program relating to economic development. The program must distinguish among center designations for awards designated to address commercialization, workforce, and infrastructure needs. Through the program the commission shall make funding award recommendations for commission-approved applications to the board, the foundation, and the budget section of the legislative council. A center must be an institution of higher education under the control of the board or a nonprofit university-related or college-related foundation of an institution of higher education under the control of the board. In order to be considered for center designation, the institution of higher education or nonprofit foundation must be working in partnership with the private sector. In addition to any center designated under this chapter, the North Dakota state university center for technology enterprise and the university of North Dakota center for innovation are centers.
2. A commission funding award recommendation must be for a specified amount. Designation of a center occurs upon board, foundation, and budget section approval of a commission funding award recommendation. In considering whether to designate a center, the board, foundation, and budget section may not modify the commission recommendation. ~~The budget section may not make a determination of whether to approve or reject take action on a commission funding award recommendation until the emergency commission reviews the commission recommendation or~~ modified recommendation and makes a recommendation to the budget section. Upon receipt of a commission funding award recommendation, the budget section shall approve the recommendation, reject the recommendation, or rerefer the recommendation to the commission with recommended modifications. If the commission receives a rereferred recommendation from the budget section, the commission shall consider whether to modify the recommendation. If upon rereferral the commission modifies a recommendation, the board, foundation, and budget section shall consider whether to approve or reject the modified recommendation. If upon rereferral the commission does not modify a recommendation, the budget section shall make a determination of whether to approve or reject the recommendation.
3. A center that receives funds distributed under this chapter is not qualified to receive subsequent designations as a center until the biennium following the center's most recent designation.

4. The board rules adopted under subsection 9 of section 15-10-17, relating to ownership of intellectual property, inventions, and discoveries, must address activities and issues unique to centers. The board rules adopted under subsection 9 of section 15-10-17 and the terms of a center's private and public partnership must provide that at least four percent of the revenues derived from intellectual property developed by the private sector partner or by the public sector partner of a center of excellence must be deposited in the general fund in the state treasury.
5. Unless otherwise provided through the appropriation process, the commission's funding awards to address workforce needs may not exceed two million dollars per biennium and the commission's funding awards to address infrastructure needs may not exceed two million dollars per biennium. Buildings that are essential to attracting private investment shall not be considered infrastructure.

SECTION 20. AMENDMENT. Section 15-69-03 of the North Dakota Century Code is amended and reenacted as follows:

15-69-03. (Effective through July 31, 2011) Centers of excellence commission. The centers of excellence commission consists of six members. The foundation shall appoint ~~three~~ two of the foundation's members to serve on the commission ~~and~~, the board shall appoint ~~three~~ two of the board's members to serve on the commission, and the legislative council shall appoint two legislators to serve on the commission. The commission members shall designate a chairman and a vice chairman of the commission. Each member of the commission shall serve for a term of three years, beginning July first; may be reappointed for additional terms; and serves at the pleasure of the appointing entity. If a commission member ceases to serve as a member of the appointing entity, that member's membership on the commission ceases immediately and the appointing entity shall appoint a new member for the remainder of the term. ~~Terms of initial commission members begin on July 1, 2005, and must be staggered.~~ On a meeting-by-meeting basis, an appointing entity may substitute a member of that appointing entity to serve in place of one of the regular members appointed by that entity. If the commission chairman and vice chairman are not present at a meeting, the commission members present at that meeting shall select a commission member to serve as chairman for that meeting. A commission member may receive compensation and travel and expense reimbursement from the appointing entity. ~~The board~~ department of commerce shall provide the commission with appropriate staff services as may be requested by the commission.

SECTION 21. AMENDMENT. Section 15-69-04 of the North Dakota Century Code is amended and reenacted as follows:

15-69-04. (Effective through July 31, 2011) Application - Eligibility requirements.

1. ~~The board~~ department of commerce shall provide center application forms, accept applications, review applications for completeness and compliance with board and commission policy, ~~and~~ forward complete applications to the commission in accordance with guidelines established by the commission, and assist with preaward reviews and postaward monitoring as may be requested by the commission.
2. The commission shall meet as necessary to review all complete applications; consider the potential need for independent, expert review of complete applications; approve or disapprove complete applications; make funding award recommendations for commission-approved proposed centers; direct the office of management and budget to distribute funds to the centers; monitor centers for compliance with award requirements; and review changes in assertions made in center applications; and conduct postaward monitoring of centers.
3. In considering whether to approve or disapprove an application, the commission shall determine whether the applicant has conducted the due diligence necessary to put together a viable proposal and the commission shall consider whether the center will:
 - a. Use university or college research to promote private sector job growth and expansion of knowledge-based industries or use university

- or college research to promote the development of new products, high-tech companies, or skilled jobs in this state;
- b. Create high-value private sector employment opportunities in this state;
 - c. Provide for public-private sector involvement and partnerships;
 - d. Leverage other funding;
 - e. Increase research and development activities that may involve federal funding from the national science foundation experimental program to stimulate competitive research;
 - f. Foster and practice entrepreneurship;
 - g. Promote the commercialization of new products and services in industry clusters;
 - h. Become financially self-sustaining; and
 - i. Establish and meet a deadline for acquiring and expending all public and private funds specified in the application.
4. In considering whether to approve an application, the commission may provide for an independent, expert review of the application to determine whether the proposed center is viable and whether the proposed center is likely to have the desired economic impact. As necessary, the commission may contract for additional technical review of applications. The commission may not approve an application unless the commission determines the proposed center has a high likelihood of viability and success in positively impacting economic development in the state.
5. For no fewer than six years and no more than ten years following center designation, the commission shall monitor the center's activities in order to determine whether the center is having the desired economic impact.

SECTION 22. AMENDMENT. Section 15-69-05 of the North Dakota Century Code is amended and reenacted as follows:

15-69-05. (Effective through July 31, 2011) Use of funds - Terms of funds - Distribution of funds.

1. A center shall use funds awarded under this chapter to enhance capacity; enhance infrastructure; and leverage state, federal, and private sources of funding. If a center's primary use of funds will be to enhance infrastructure, the commission must have specifically designated the center as addressing infrastructure needs. A center awarded funds under this chapter may not use the funds to supplant funding for current operations or academic instructions or to pay indirect costs.
2. As a condition for receipt of funds under this chapter, a center shall agree to provide the board, foundation, and budget section of the legislative council with annual audits on all funds distributed to the center under this chapter. The annual audits must be provided until the completion of ~~four~~ years following the final distribution of funds under this chapter the commission's postaward monitoring of the center. As a condition for receipt of funds under this chapter, a center shall agree to provide the commission with the information necessary to monitor the postaward activities of the center.
3. Before the commission directs the office of management and budget to distribute funds awarded under this chapter, the center shall provide the commission with detailed documentation of private sector participation and the availability of two dollars of matching funds for each dollar of state funds to be distributed under this chapter. The commission may not direct distribution of funds if the private sector participants cease to participate. The matching funds may include funds facilitated through the collaboration of the private sector participants with other funding entities. The matching funds may include a combination of cash and in-kind assets with itemized

value. Private sector participation may be established through equity investments or through contracts for services with private sector entities. In making funding recommendations and designation determinations, the commission, board, foundation, and budget section shall give major consideration to the portion of the matching funds provided in cash by the private sector.

4. If, before funds are distributed by the office of management and budget, a center undergoes a change in the terms of or assertions made in its application, the commission may direct that the office of management and budget withhold all or a portion of any undistributed funds pending commission review of the changes.
5. The commission may use funds appropriated for the centers of excellence program to pay for the commission's administrative expenses, which may include contracting for independent, expert reviews of complete applications. The amount of funds the commission uses each biennium for administrative expenses may not exceed two and one-half percent of the funds appropriated for the program that biennium.

SECTION 23. AMENDMENT. Section 24-02-37 of the North Dakota Century Code is amended and reenacted as follows:

24-02-37. State highway fund - Priorities for expenditure - Use of investment income. The state highway fund, created by law and not otherwise appropriated and allocated, must be applied and used for the purposes named in this section, as follows:

1. Except for investment income as provided in subsection 3 and except as otherwise provided in subsection 4, the fund must be applied in the following order of priority:
 - a. The cost of maintaining the state highway system.
 - b. The cost of construction and reconstruction of highways in the amount necessary to match, in whatever proportion may be required, federal aid granted to this state by the United States government for road purposes in North Dakota.
 - c. Any portion of the highway fund not allocated as provided in subdivisions a and b may be expended for the construction of state highways without federal aid or may be expended in the construction, improvement, or maintenance of such state highways.
2. All funds heretofore appropriated or hereafter appropriated or transferred to the department, whether earmarked or designated for special projects or special purposes or not, must be placed or transferred into a single state highway fund in the office of the state treasurer and any claims for money expended by the department upon warrants prepared and issued by the office of management and budget and signed by the state auditor under this title must be paid out of the state highway fund by the state treasurer; provided, however, that the commissioner shall keep and maintain complete and accurate records showing that all expenditures have been made in accordance with legislative appropriations and authorizations.
3. The state treasurer shall deposit the moneys in the state highway fund in an interest-bearing account at the Bank of North Dakota. The state treasurer shall deposit forty percent of the income derived from the interest-bearing account in a special interest-bearing account in the state treasury known as the special road fund. The special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the special road committee. A political subdivision or state agency may request funds from the special road fund by applying to the committee on forms designated by the committee. The committee may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund. Any moneys in the fund not obligated by the special road committee on June thirtieth of each odd-numbered year must revert to the state highway fund.

4. The state treasurer shall deposit twenty percent of all sums collected from the registration of farm vehicles under subsection 5 of section 39-04-19 in a special interest-bearing account in the state treasury known as the biofuels road infrastructure fund. The biofuels road infrastructure fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to ethanol, biodiesel, biofuel, and other renewable fuel production facilities. A political subdivision or state agency may request funds from the biofuels road infrastructure fund by applying to the director on forms designated by the director. The director may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the biofuels road infrastructure fund.

SECTION 24. AMENDMENT. Section 39-04-39 of the North Dakota Century Code is amended and reenacted as follows:

39-04-39. Distribution of registration fees collected. Any moneys in the registration fund accruing from license fees or from other like sources, in excess of the amount required to pay salaries and other necessary expenses, in accordance with the legislative assembly's appropriation for such purposes, must be promptly deposited in the highway tax distribution fund which must be distributed in the manner as prescribed by law. The state treasurer shall transfer annually from the highway tax distribution fund to the biofuels road infrastructure fund an amount equal to twenty percent of all sums collected for the registration of farm vehicles under subsection 5 of section 39-04-19 and shall transfer annually from the highway tax distribution fund to the ethanol production incentive fund an amount equal to forty percent of all sums collected for the registration of farm vehicles under subsection 5 of section 39-04-19 except that no transfer may be made in an amount that would result in the balance of the ethanol production incentive fund exceeding ~~five~~ ten million dollars.

SECTION 25. A new section to chapter 55-10 of the North Dakota Century Code is created and enacted as follows:

Ronald Reagan peace through strength missile silo historic site. If the state historical society acquires a missile silo historic site, the site is named the Ronald Reagan peace through strength missile silo historic site.

SECTION 26. EFFECTIVE DATE. Section 18 of this Act becomes effective on July 1, 2009.

SECTION 27. EXPIRATION DATE. Section 15 of this Act is effective through December 31, 2008, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|--|---------------------|-------------------|------------------|------------------|
| Office of Management and Budget | | | | |
| Total all funds | \$68,974,437 | \$28,752,299 | \$2,659,000 | \$31,411,299 |
| Less estimated income | 18,900,360 | 6,905,360 | 1,525,000 | 8,430,360 |
| General fund | \$50,074,077 | \$21,846,939 | \$1,134,000 | \$22,980,939 |
| Legislative Council | | | | |
| Total all funds | \$0 | \$0 | \$450,000 | \$450,000 |
| Less estimated income | | | 250,000 | 250,000 |
| General fund | \$0 | \$0 | \$200,000 | \$200,000 |
| Williston Research Extension Center | | | | |
| Total all funds | \$0 | \$0 | \$180,000 | \$180,000 |
| Less estimated income | | | | |
| General fund | \$0 | \$0 | \$180,000 | \$180,000 |
| Bill Total | | | | |
| Total all funds | \$68,974,437 | \$28,752,299 | \$3,289,000 | \$32,041,299 |
| Less estimated income | 18,900,360 | 6,905,360 | 1,775,000 | 8,680,360 |
| General fund | \$50,074,077 | \$21,846,939 | \$1,514,000 | \$23,360,939 |

Senate Bill No. 2015 - Office of Management and Budget - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$15,220,144 | \$13,720,144 | \$1,500,000 | \$15,220,144 |
| Operating Expenses | 11,562,136 | 10,386,136 | 1,106,000 | 11,492,136 |
| Capital assets | 4,645,019 | 4,645,019 | | 4,645,019 |
| Grants | 224,000 | 1,000 | 53,000 | 54,000 |
| Prairie Public Broadcasting | 2,023,138 | | | |
| Centers of excellence | 25,300,000 | | | |
| Statewide equity pool | <u>10,000,000</u> | | | |
| Total all funds | \$68,974,437 | \$28,752,299 | \$2,659,000 | \$31,411,299 |
| Less estimated income | <u>18,900,360</u> | <u>6,905,360</u> | <u>1,525,000</u> | <u>8,430,360</u> |
| General fund | \$50,074,077 | \$21,846,939 | \$1,134,000 | \$22,980,939 |
| FTE | 132.50 | 132.50 | 0.00 | 132.50 |

Dept. 110 - Office of Management and Budget - Detail of House Changes

| | RESTORES FUNDING FOR UNEMPLOYMENT INSURANCE ¹ | RESTORES FUNDING FOR GRANTS ² | ADDS FUNDING FOR OPERATING EXPENSES ³ | TOTAL HOUSE CHANGES |
|-----------------------------|---|--|--|---------------------------|
| Salaries and wages | \$1,500,000 | | | \$1,500,000 |
| Operating expenses | | | \$1,106,000 | 1,106,000 |
| Capital assets | | | | |
| Grants | | \$53,000 | | 53,000 |
| Prairie Public Broadcasting | | | | |
| Centers of excellence | | | | |
| Statewide equity pool | | | | |
| Total all funds | \$1,500,000 | \$53,000 | \$1,106,000 | \$2,659,000 |
| Less estimated income | <u>1,500,000</u> | | <u>25,000</u> | <u>1,525,000</u> |
| General fund | \$0 | \$53,000 | \$1,081,000 | \$1,134,000 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment restores \$1,500,000 for unemployment insurance that was removed by the Senate.

² This amendment restores funding for general fund grants for boys and girls clubwork that was removed by the Senate.

³ This amendment adds \$500,000 from the general fund for state contingencies, \$581,000 from the general fund for state memberships and related expenses, and \$25,000 in special funds for Capitol Grounds Planning Commission. These items were removed by the Senate.

This amendment adds the following sections:

- Section 6 provides an appropriation for one FTE technician position and operating costs to the Williston Research Center for the Nesson Valley irrigation project.
- Section 7 provides intent for grants and special items.
- Section 8 provides one-time funding information and provides for a report to the 61st Legislative Assembly on the use of the funds.
- Section 9 requires a report be made to the Budget Section regarding the status of salary equity for state employees.
- Section 10 provides language relating to a portion of the ConnectND allocation being included in the university system's base budget.
- Section 11 provides legislative intent regarding the use of the former crime lab.
- Section 12 requires institutions to report to budget tour groups on extraordinary repairs and requires the budget tour groups to review the repairs.
- Section 13 provides legislative intent relating to the State Water Commission mapping project.
- Section 14 requires a report to the 61st Legislative Assembly relating to institutions of higher education budgets.
- Section 15 creates a Legislative Council Medical Assistance Committee.
- Section 16 provides an appropriation to the Legislative Council for consulting services for the medical assistance program.

- Section 17 provides an appropriation to the Legislative Council for consulting services in analyzing the implementation progress of the medical assistance program management initiatives.
- Section 18 creates a new section to Chapter 6-09 of the North Dakota Century Code relating to earnings from the Bank of North Dakota.
- Sections 19, 20, 21, and 22 amend Sections 15-69-02, 15-69-03, 15-69-04, and 15-69-05 relating to centers of excellence.
- Section 23 amends Section 24-02-37 relating to the state highway fund.
- Section 24 amends Section 39-04-39 relating to the distribution of registration fees.
- Section 25 creates a new section to Chapter 55-10 to name the Ronald Reagan Peace Through Strength Missile Site.
- Section 26 provides an effective date for Section 18.
- Section 27 provides an expiration date for Section 15.

Senate Bill No. 2015 - Legislative Council - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Consulting services | | | <u>\$450,000</u> | <u>\$450,000</u> |
| Total all funds | \$0 | \$0 | \$450,000 | \$450,000 |
| Less estimated income | | | <u>250,000</u> | <u>250,000</u> |
| General fund | \$0 | \$0 | \$200,000 | \$200,000 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

Dept. 160 - Legislative Council - Detail of House Changes

| | PROVIDES FUNDING FOR THE MEDICAL ASSISTANCE PROGRAM ANALYSIS | TOTAL HOUSE CHANGES |
|-----------------------|---|---------------------------|
| Consulting services | <u>\$450,000</u> | <u>\$450,000</u> |
| Total all funds | \$450,000 | \$450,000 |
| Less estimated income | <u>250,000</u> | <u>250,000</u> |
| General fund | \$200,000 | \$200,000 |
| FTE | 0.00 | 0.00 |

Senate Bill No. 2015 - Williston Research Extension Center - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|----------------------------------|---------------------|-------------------|------------------|------------------|
| Nesson Valley irrigation project | | | <u>\$180,000</u> | <u>\$180,000</u> |
| Total all funds | \$0 | \$0 | \$180,000 | \$180,000 |
| Less estimated income | | | | |
| General fund | \$0 | \$0 | \$180,000 | \$180,000 |
| FTE | 0.00 | 0.00 | 1.00 | 1.00 |

Dept. 646 - Williston Research Extension Center - Detail of House Changes

| | PROVIDES FUNDING FOR THE NESSON VALLEY IRRIGATION PROJECT | TOTAL HOUSE CHANGES |
|--|---|---------------------------|
|--|---|---------------------------|

| | | |
|----------------------------------|-------------------|-------------------|
| Nesson Valley irrigation project | <u>\$180,000</u> | <u>\$180,000</u> |
| Total all funds | \$180,000 | \$180,000 |
| Less estimated income | <u> </u> | <u> </u> |
| General fund | \$180,000 | \$180,000 |
| FTE | 1.00 | 1.00 |

REPORT OF STANDING COMMITTEE

SB 2206, as engrossed and amended: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2206, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1129 of the House Journal, Engrossed Senate Bill No. 2206 is amended and reenacted as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of branding laws, penalties, registration, and certificates of ownership."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - ANIMAL BRANDING. During the 2007-08 interim, the legislative council shall consider studying the branding of animals, brand recording, brand law enforcement, and penalties for violation of the branding laws. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

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

Buell J. Reich, Chief Clerk