

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, April 4, 2001

The Senate convened at 8:30 a.m., with President Pro Tem Krebsbach presiding.

The prayer was offered by Pastor Keith Rtchie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the President Pro Tem.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1395, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1472, as engrossed: SEN. THANE (Appropriations Committee) MOVED** that the amendments on SJ page 1108 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1472:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance for breast and cervical cancer; to provide an appropriation; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Dever

Engrossed HB 1472, as amended, passed and the title was agreed to.

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## MOTION

**SEN. CHRISTMANN MOVED** that HB 1009 be moved to the top of the calendar, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1009, as engrossed: SEN. TOMAC (Appropriations Committee) MOVED** that the amendments on SJ pages 1128-1129 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT BILL

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to provide project safe send user fees; and to amend and reenact sections 4-01-21, 19-18-02.1, and 19-18-04 of the North Dakota Century Code, relating to the salary of the agriculture commissioner, uses of the environment and rangeland protection fund, and pesticide registration fees.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter;

Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1009, as amended, passed and the title was agreed to.

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#### MOTION

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

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

#### CONSIDERATION OF AMENDMENTS

**HB 1005, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 1128-1129 be adopted and then be placed on the Fourteenth order with **DO PASS**.

#### REQUEST

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1005, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to Engrossed HB 1005, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Erbele; Espegard; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Solberg; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Dever; Every; Freborg; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Tallackson; Tomac

The motion to adopt the amendments to Engrossed HB 1005 passed.

#### SECOND READING OF HOUSE BILL

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; to amend and reenact sections 54-11-13 and 54-27-08 of the North Dakota Century Code, relating to the salary of the state treasurer and the signing of warrants by electronic means; and to provide legislative intent to prohibit payment of national association of state treasurers-related activities.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; O'Connell; Polovitz; Robinson

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

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#### MOTION

**SEN. CHRISTMANN MOVED** that HB 1200 be moved to the bottom of the Sixth order, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1208, as reengrossed: SEN. WATNE (Appropriations Committee) MOVED** that the amendments on SJ page 1131 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1208:** A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code, relating to DNA testing; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjorn; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed HB 1208, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1328, which is on the Sixth order, be laid over one legislative day, and HB 1301, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1460, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 1133-1134 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1460:** A BILL for an Act to amend and reenact section 40-63-07 of the North Dakota Century Code, relating to the limitation on the total amount of tax credits for investments in renaissance fund corporations; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Robinson; Schobinger; Solberg; Stenehjorn; Tallackson; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Cook; Espegard; Kelsh; Lindaas; Nichols; O'Connell; Polovitz; Thane; Tomac

Engrossed HB 1460, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HCR 3046: SEN. WANZEK (Agriculture Committee) MOVED** that the amendments on SJ page 1134 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3046:** A concurrent resolution directing the Legislative Council to study issues relating to genetic modification, including impacts on health, the food supply, and the future, and actions by other jurisdictions relating to experimental medicine, product labeling, and promulgation of accurate information regarding genetic modification efforts that exist or are expected to exist in the near future.

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

HCR 3046, as amended, was declared lost on a voice vote.

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### SECOND READING OF HOUSE BILL

**HB 1273:** A BILL for an Act to create and enact a new chapter to title 13 of the North Dakota Century Code, relating to the licensing of deferred presentment service providers; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Christenson; Heitkamp; Kelsh; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; Polovitz

Engrossed HB 1273, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1396:** A BILL for an Act to create and enact a new subsection to section 61-02-14 of the North Dakota Century Code, relating to the powers and duties of the state water commission; and to amend and reenact subsections 4 and 5 of section 61-01-26 and subsection 7 of section 61-35-12 of the North Dakota Century Code and section 10 of chapter 535 of the 1999 Session Laws, relating to the sharing of costs for water quality protection programs, reimbursement of water district employee expenses, and the statewide water development program.

### 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, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1396, as amended, lost.

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### SECOND READING OF HOUSE BILL

**HB 1407:** A BILL for an Act to provide for a cost-benefit analysis of mandated health insurance coverage of services; to provide for a study; 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 PASS, the roll was called and there were 35 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mutch; Nelson, G.; Nething; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Tomac

Reengrossed HB 1407, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1444:** A BILL for an Act to provide loans to individuals preparing to teach at grade levels or in content areas having declared teacher shortages.

**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 28 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Cook; Dever; Espgaard; Every; Flakoll; Freborg; Kelsh; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Stenehjem; Tallackson; Tomac; Trenbeath; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bowman; Christmann; Erbele; Fischer; Grindberg; Heitkamp; Holmberg; Kilzer; Kringstad; Lindaas; Mutch; Nelson, G.; Nething; Robinson; Schobinger; Solberg; Thane; Tollefson; Traynor; Urlacher

Engrossed HB 1444, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1467:** A BILL for an Act to transfer funds from the environment and rangeland protection fund to the minor use pesticide fund.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1467 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1310:** A BILL for an Act to provide for scholarships for retraining elementary and secondary teachers.

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

**YEAS:** Christenson; Every; Heitkamp; Krauter; Mathern, T.; Nelson, C.; O'Connell

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed HB 1310 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2191, SB 2239 and SB 2222, which are on the Twelfth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2090 as printed on SJ page 1067, which motion prevailed on a voice vote.

Engrossed SB 2090, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2090:** A BILL for an Act to create and enact a new subsection to section 10-04-06 of the North Dakota Century Code, relating to exempt securities transactions; to amend and reenact section 10-04-04, subsections 5 and 8, paragraph 6 of subdivision b of subsection 9, and paragraph 3 of subdivision a of subsection 16 of section 10-04-06, subsection 1 of section 10-04-08.4, sections 10-04-10 and 10-04-10.1, subsection 1 of section 10-04-14, section 10-04-15, subsection 1 of section 10-04-16, and sections 10-04-16.1 and 10-04-18 of the North Dakota Century Code, relating to registration of securities, exempt transactions, federal covered securities, registration of dealers, agents, investment advisers, and investment adviser representatives, investment advisory activity, consent to service of process, fraudulent practices, the authority of the securities commissioner to conduct investigations and to issue orders, and statutes of limitation; to direct the securities commissioner to review policies and procedures regarding financing for North Dakota companies and to report to the legislative council; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2090 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2403 as printed on SJ page 1067, which motion prevailed on a voice vote.

Engrossed SB 2403, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2403:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the provision of medically necessary oral maxillofacial services and associated orthodontic care through the medicaid program; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2403 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2337 as printed on SJ pages 1068-1069, which motion prevailed on a voice vote.

Engrossed SB 2337, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2337:** A BILL for an Act to create and enact chapter 52-06.1 of the North Dakota Century Code, relating to a shared work unemployment compensation program; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2337 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Engrossed SB 2373 as printed on SJ page 1069, which motion prevailed on a voice vote.

Engrossed SB 2373, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2373:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to income determination for child support; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner

**NAYS:** Watne

Reengrossed SB 2373 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2150 as printed on SJ page 1069, which motion prevailed on a voice vote.

Engrossed SB 2150, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2150:** A BILL for an Act to create and enact chapter 26.1-33.2 of the North Dakota Century Code, relating to viatical settlement contracts; to amend and reenact subdivision a of subsection 16 of section 10-04-02 of the North Dakota Century Code, relating to viatical settlement contracts; to repeal chapter 26.1-33.1 of the North Dakota Century Code, relating to viatical settlement contracts; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.;

Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2150 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2162 as printed on SJ pages 1067-1068, which motion prevailed on a voice vote.

Engrossed SB 2162, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2162:** A BILL for an Act to amend and reenact sections 43-42-01, 43-42-02, 43-42-03, 43-42-04, 43-42-05, 43-42-06, and subsection 1 of section 43-46-01 of the North Dakota Century Code, relating to the practice of respiratory care.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2162 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2314 as printed on SJ pages 885-887, which motion prevailed on a voice vote.

Engrossed SB 2314, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2314:** A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, or in the alternative to amend and reenact section 43-10.1-03.1 of the North Dakota Century Code as created by section 3 of House Bill No. 1126, as approved by the fifty-seventh legislative assembly, relating to pre-need funeral contracts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2314 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. WANZEK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2379 as printed on SJ page 1068, which motion prevailed on a voice vote.

Engrossed SB 2379, as amended, was placed on the Eleventh order of business.



**SECOND READING OF SENATE BILL**

**SB 2379:** A BILL for an Act to create and enact a new subsection to section 10-30.5-01 of the North Dakota Century Code, relating to North Dakota development fund definitions; and to provide for a value-added agriculture promotion program.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2379 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. STENEHJEM MOVED** that the Senate do concur in the House amendments to SB 2436 as printed on SJ page 1034, which motion prevailed on a voice vote.

SB 2436, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2436:** A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to operators' licenses for minors.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 1 YEA, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Kelsh

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2436 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2001, SB 2002, SB 2008, SB 2183, SB 2251, SB 2291, and HB 1451 be moved to the top of the calendar, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2001 as printed on SJ pages 1066-1067 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2001: Sens. Nething, Kringstad, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2002 as printed on SJ pages 1071-1073 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2002: Sens. Nething, Solberg, Tallackson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2008 as printed on SJ pages 1073-1074 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2008: Sens. Holmberg, Andrist, Robinson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to SB 2183 as printed on SJ pages 966-967 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2183: Sens. Freborg, Wanzek, Christenson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2251 as printed on SJ page 1031 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2251: Sens. Flakoll, Cook, Kelsh.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2291 as printed on SJ page 885 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2291: Sens. Cook, Flakoll, Christenson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KREBSBACH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1451, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1451: Sens. Wardner, Kilzer, C. Nelson.

**POINT OF PERSONAL PRIVILEGE**

**SEN. ANDRIST REQUESTED** that his remarks be printed in the Journal, which request was granted.

**REMARKS OF SENATOR ANDRIST**

I can still remember the excitement rippling through our community fifty years ago today, April 4, 1951, with announcement that oil had been discovered south of Tioga at the Clarence Iverson #1. Ladies and gentlemen, as we contemplate the future of North Dakota, let us mark this Golden Anniversary of our oil industry by reflecting on what the discovery of oil has meant to our state.

The first well produced oil for 28 years - 585,000 barrels. Since that time 14,000 other wells have been drilled. Last year alone we produced nearly 33 million barrels of oil valued at \$750 million. We have become the ninth ranking oil producing state, having brought to the surface 1.3 billion barrels of oil in the past 50 years worth a mind boggling \$20 billion.

Oil tax revenues over those years have reached \$1.9 billion, and when you add the leasing and royalty fees the state has received in direct revenue comes to \$2.4 billion. I couldn't begin to guess how much you might add to that total if you included taxes collected from landowners from leasing revenue. Only a chosen few get royalty dollars. Virtually every western North Dakota landowner has leased land, some of them many times over.

Crude oil and refined petroleum products are among our most important exports. The industry provides good paying jobs for 3,000 people.

All is not perfect in this industry. From a high of 147 working rigs in 1983, we now have only 15 at work. Our future is somewhat clouded by rising energy costs, shortages, and OPEC production policies, to say nothing of the strong possibility that some of our best potential land for development is in the Little Missouri National Grasslands, and may be declared off limits by the U.S. Forest Service.

Still, the future is bright. There is a huge amount of oil still in the ground in areas that have not been explored. And even where drilling has taken place over the past 50 years it is estimated that working wells have been able to bring up only 10 to 20 percent of the oil therein. New techniques and technologies are enhancing that recovery rate.

We have with us today one of North Dakota's oil pioneers. Tude Gordon of Williston came to North Dakota just over 50 years ago as a drill stem tester, and he was at the Clarence Iverson well when the first pint of oil was recovered. Tude liked North Dakota and like so many other oil patch folks, he has spent his life as one of our neighbors. Please join with me in welcoming Tude Gordon as our guest for this very special, historic day.

Our role as legislators is to ensure that North Dakota maintains a strong, viable oil industry, and a climate that reminds Tude and all of our other oil patch friends how much we appreciate the many contributions they have made to both our economy and our well being.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1467.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1009, HB 1472.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1005, HB 1208, HB 1273, HB 1407.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1444.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1460.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1396, HCR 3046.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1310.

**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 2090, SB 2150, SB 2162, SB 2314, SB 2337, SB 2373, SB 2379, and SB 2403.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2436.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2001, SB 2002, SB 2008, SB 2183, SB 2251, and SB 2291 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2001:** Sens. Nething; Kringstad; Lindaas

**SB 2002:** Sens. Nething; Solberg; Tallackson

**SB 2008:** Sens. Holmberg; Andrist; Robinson

**SB 2183:** Sens. Freborg; Wanzek; Christenson

**SB 2251:** Sens. Flakoll; Cook; Kelsh

**SB 2291:** Sens. Cook; Flakoll; Christenson

**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 1451:** Sens. Wardner; Kilzer; C. Nelson

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2352.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2015, SB 2019.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015**

Page 1, line 3, remove "to limit Bank of North Dakota transfers to the"

Page 1, line 4, remove "general fund; to provide legislative intent; to provide for a legislative council study;"

Page 1, line 15, replace "6,330,025" with "6,350,025"

Page 1, line 21, replace "42,950,171" with "42,970,171"

Page 1, line 23, replace "7,364,181" with "7,384,181"

Page 2, line 29, replace "15,864,181" with "15,884,181"

Page 2, line 31, replace "143,844,595" with "143,864,595"

Page 5, remove lines 27 through 31

Page 6, remove lines 1 through 8

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2015 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Industrial Commission				
Total all funds	\$42,898,571	\$42,950,171	\$20,000	\$42,970,171
Less estimated income	35,585,990	35,585,990		35,585,990
General fund	\$7,312,581	\$7,364,181	\$20,000	\$7,384,181
Bank of North Dakota				
Total all funds	\$39,280,867	\$39,280,867	\$0	\$39,280,867
Less estimated income	30,780,867	30,780,867		30,780,867
General fund	\$8,500,000	\$8,500,000	\$0	\$8,500,000
Housing Finance Agency				
Total all funds	\$39,873,425	\$39,872,263	\$0	\$39,872,263
Less estimated income	39,873,425	39,872,263		39,872,263
General fund	\$0	\$0	\$0	\$0
Mill and Elevator				
Total all funds	\$21,741,294	\$21,741,294	\$0	\$21,741,294
Less estimated income	21,741,294	21,741,294		21,741,294
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$143,794,157	\$143,844,595	\$20,000	\$143,864,595
Less estimated income	127,981,576	127,980,414		127,980,414
General fund	\$15,812,581	\$15,864,181	\$20,000	\$15,884,181

**Senate Bill No. 2015 - Industrial Commission - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$6,350,025	\$6,330,025	\$20,000	\$6,350,025
Operating expenses	1,733,669	1,805,269		1,805,269
Equipment	154,000	154,000		154,000
Grants	16,450,000	16,450,000		16,450,000
Bond payments	17,956,059	17,956,059		17,956,059
Geophysical exploration	254,818	254,818		254,818
Total all funds	\$42,898,571	\$42,950,171	\$20,000	\$42,970,171
Less estimated income	35,585,990	35,585,990		35,585,990
General fund	\$7,312,581	\$7,364,181	\$20,000	\$7,384,181
FTE	63.00	63.00	0.00	63.00

**Dept. 405 - Industrial Commission - Detail of House Changes**

	RESTORE SALARIES AND WAGES FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$20,000	\$20,000
Operating expenses		
Equipment		
Grants		
Bond payments		
Geophysical exploration		
Total all funds	\$20,000	\$20,000
Less estimated income		
General fund	\$20,000	\$20,000
FTE	0.00	0.00

<sup>1</sup> This amendment restores the Senate general fund reduction in salaries and wages of \$20,000.

### Senate Bill No. 2015 - Other Changes - House Action

This amendment also removes Sections 14, 15, and 16 of the engrossed bill that limit Bank of North Dakota transfers to the general fund, provide legislative intent relating to a new information technology coordinator position for the Oil and Gas Division and Geological Survey, and provide for a Legislative Council study of the Industrial Commission.

### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019

Page 1, line 2, replace "statements" with "a statement"

Page 1, line 3, replace "legislative" with "a report to the budget section"

Page 1, line 4, remove "council studies"

Page 1, replace lines 17 through 24 with:

"Salaries and wages	\$6,028,893
Operating expenses	10,480,832
Equipment	199,936
Grants	36,080,226
North Dakota development fund	2,250,000
Agricultural products utilization	5,007,270
Lewis and Clark bicentennial	805,751
Transitional expenses	162,209
Total all funds	\$61,015,117
Less estimated income	43,590,891
Total general fund appropriation	\$17,424,226"

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 11

Page 3, line 13, remove "subdivision 2 of"

Page 3, line 19, remove "subdivision 2 of"

Page 3, line 23, remove "subdivision 2 of"

Page 3, line 28, remove "within North Dakota"

Page 3, line 31, remove "An ethanol plant shall notify the agricultural products utilization"

Page 4, remove lines 1 and 2

Page 4, line 3, remove "payments authorized by this section."

Page 4, line 6, remove "in North Dakota"

Page 4, line 12, remove "an ethanol plant"

Page 4, remove line 13

Page 4, line 14, remove "incentive payments for the biennium beginning July 1, 2001, and ending June 30, 2003, or if"

Page 4, line 17, remove "funds certified by the agricultural products utilization commission"

Page 4, line 18, remove "as not needed for ethanol incentive payments or the"

Page 4, line 22, remove "subdivision 2 of"

Page 4, replace lines 26 through 31 with:

**"SECTION 6. LEGISLATIVE INTENT - TOURISM OPERATING EXPENSES.**

It is the intent of the legislative assembly that the sum of \$3,300,437 included in the operating expenses line item in section 1 of this Act be allocated for tourism-related activities, including tourism-related administrative costs as approved by the tourism division director for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 7. DEPARTMENT OF COMMERCE - PERFORMANCE REPORT - BUDGET SECTION.** The director of the department of commerce shall establish performance measures and report to the budget section at the budget section's first meeting after June 30, 2002, on the department's progress in achieving its performance measures for the biennium beginning July 1, 2001, and ending June 30, 2003."

Page 5, line 2, replace "\$1,616,000" with "\$2,250,000"

Page 5, remove lines 18 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 5 through 27

Page 8, line 13, remove the overstrike over "~~seven~~" and remove "eight"

Page 8, line 20, replace "four" with "five"

Page 9, line 30, replace "23" with "13"

Page 10, line 1, replace "22" with "12"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2019 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Department of Economic Development and Finance				
Total all funds	\$20,411,391	\$0	\$0	\$0
Less estimated income	6,396,902			
General fund	\$14,014,489	\$0	\$0	\$0
Department of Commerce				
Total all funds	\$0	\$0	\$61,015,117	\$61,015,117
Less estimated income			43,590,891	43,590,891
General fund	\$0	\$0	\$17,424,226	\$17,424,226
Department of Commerce - Administration				
Total all funds	\$0	\$1,164,990	(\$1,164,990)	\$0
Less estimated income		249,487	(249,487)	
General fund	\$0	\$915,503	(\$915,503)	\$0
Department of Commerce - Economic Development				
Total all funds	\$0	\$15,299,941	(\$15,299,941)	\$0
Less estimated income		5,390,203	(5,390,203)	
General fund	\$0	\$9,909,738	(\$9,909,738)	\$0
Department of Commerce - Community Services				
Total all funds	\$0	\$38,585,339	(\$38,585,339)	\$0
Less estimated income		37,503,285	(37,503,285)	
General fund	\$0	\$1,082,054	(\$1,082,054)	\$0
Department of Commerce - Tourism				
Total all funds	\$0	\$5,077,351	(\$5,077,351)	\$0
Less estimated income		363,000	(363,000)	
General fund	\$0	\$4,714,351	(\$4,714,351)	\$0
Department of Commerce - Workforce Development				
Total all funds	\$0	\$941,287	(\$941,287)	\$0
Less estimated income		60,584	(60,584)	
General fund	\$0	\$880,703	(\$880,703)	\$0
Bill Total				
Total all funds	\$20,411,391	\$61,068,908	(\$53,791)	\$61,015,117

Less estimated income	6,396,902	43,566,559	24,332	43,590,891
General fund	\$14,014,489	\$17,502,349	(\$78,123)	\$17,424,226

**Senate Bill No. 2019 - Department of Commerce - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages			\$6,028,893	\$6,028,893
Operating expenses			10,480,832	10,480,832
Equipment			199,936	199,936
Grants			36,080,226	36,080,226
North Dakota development fund			2,250,000	2,250,000
Agricultural products utilization			5,007,270	5,007,270
Lewis and Clark Bicentennial Transitional expenses			805,751 <u>162,209</u>	805,751 <u>162,209</u>
Total all funds	\$0	\$0	\$61,015,117	\$61,015,117
Less estimated income			<u>43,590,891</u>	<u>43,590,891</u>
General fund	\$0	\$0	\$17,424,226	\$17,424,226
FTE	0.00	0.00	57.00	57.00

**Dept. 605 - Department of Commerce - Detail of House Changes**

	COMBINE FUNDING <sup>1</sup>	ADD TRANSITIONAL FUNDING <sup>2</sup>	REDUCE DEVELOPMENT FUND <sup>3</sup>	TRANSFER GRANTS TO OPERATING <sup>4</sup>	ADD FUNDING FOR GRANTS <sup>5</sup>	ADD FUNDING FOR LEWIS AND AND CLARK <sup>6</sup>
Salaries and wages	\$6,028,893					
Operating expenses	10,450,832			\$30,000		
Equipment	199,936					
Grants	36,010,226			(30,000)	\$100,000	
North Dakota development fund	2,616,000		(\$366,000)			
Agricultural products utilization	5,007,270					
Lewis and Clark Bicentennial Transitional expenses	655,751	\$162,209				\$150,000
Total all funds	\$60,968,908	\$162,209	(\$366,000)	\$0	\$100,000	\$150,000
Less estimated income	<u>43,566,559</u>	<u>24,332</u>				
General fund	\$17,402,349	\$137,877	(\$366,000)	\$0	\$100,000	\$150,000
FTE	53.00	4.00	0.00	0.00	0.00	0.00
	TOTAL HOUSE CHANGES					
Salaries and wages	\$6,028,893					
Operating expenses	10,480,832					
Equipment	199,936					
Grants	36,080,226					
North Dakota development fund	2,250,000					
Agricultural products utilization	5,007,270					
Lewis and Clark Bicentennial Transitional expenses	805,751 <u>162,209</u>					
Total all funds	\$61,015,117					
Less estimated income	<u>43,590,891</u>					
General fund	\$17,424,226					
FTE	57.00					

<sup>1</sup> Funding for the Department of Commerce is combined into one subdivision as recommended by Governor Hoeven. The Senate appropriated funding separately to each of the divisions of the department.

<sup>2</sup> A transitional expenses line item is added providing funding for 4 FTE administrative positions currently employed by the Department of Economic Development and Finance, Division of Community Services, and the Tourism Department for one year of the 2001-03 biennium. The 4 FTE positions are authorized only for the first year of the biennium. These 4 FTE positions were removed in Governor Hoeven's recommendation and the Senate version.

<sup>3</sup> Funding for the development fund is provided at \$2,250,000 from the general fund, \$634,000 more than the Senate version (\$1,616,000), \$366,000 less than Governor Hoeven's recommendation (\$2,616,000), and \$1,500,000 more than Governor Schafer's recommendation (\$750,000).

<sup>4</sup> The grants line item is reduced by \$30,000 and the operating expenses line item is increased by \$30,000. This grant was previously provided by the Tourism Department to the Greater North Dakota Association for publication of the North Dakota Horizons magazine.

<sup>5</sup> Funding is added for providing a grant to the North Dakota Cowboy Hall of Fame in accordance with provisions of Senate Bill No. 2195. The Senate version also included this funding.

<sup>6</sup> The Lewis and Clark line item is increased by \$150,000 from the general fund for providing grants to political subdivisions for Lewis and Clark-related projects as determined by the Tourism Division director. The Senate had increased the Lewis and Clark line item by \$100,000 from the general fund for additional Lewis and Clark marketing.

This amendment:

- Adds a section of legislative intent that \$3,300,437 of the operating expenses line item be used for tourism-related activities, including tourism-related administrative costs as approved by the Tourism Division director.
- Adds a section providing that the director of the Department of Commerce establish performance measures and report to the Budget Section on the department's progress in meeting its measures after the first year of the 2001-03 biennium.
- Increases the total annual ethanol incentive payments that may be paid to an ethanol plant that produced 15 million gallons or more in the previous fiscal year and to a new ethanol plant from a total of \$400,000 to a total of \$500,000.
- Reduces the total annual ethanol incentive payments that may be paid to an ethanol plant that has production capacity of fewer than 15 million gallons from \$850,000 to \$750,000.
- Removes the provision that ethanol produced in North Dakota must be sold in North Dakota to qualify for an ethanol incentive payment.
- Removes provisions added by the Senate that in order to be eligible for ethanol incentives during the 2001-03 biennium, an ethanol plant must notify the Agricultural Products Utilization Commission by October 1, 2001, of the plant's intention to request ethanol incentives during the 2001-03 biennium.

This amendment makes the following additional funding changes to the Senate version:

- Removes \$100,000 from the general fund provided for the Economic Development Foundation.
- Removes \$40,000 from the general fund added to the Economic Development Division for marketing.
- Removes \$50,000 from the general fund added to the Economic Development Division for grants.
- Restores the \$40,000 from the general fund removed from the Community Services Division relating to renaissance zone program administration.
- Restores \$191,287, of which \$130,703 is from the general fund and 2 FTE positions to the Economic Development and Finance Division that were transferred to the Workforce Development Division.
- Removes \$50,000 from the general fund added for operating expenses of the Workforce Development Division.
- Removes \$25,000 from the general fund added for equipment of the Workforce Development Division.
- Removes \$675,000 from the general fund added for grants of the Workforce Development Division.

This amendment removes the following sections added by the Senate:

- The section providing that the Legislative Council monitor the establishment of the Department of Commerce during the 2001-02 interim.
- The section of legislative intent that the department develop a strategic plan.
- The section providing that \$250,000 of the funding provided for Economic Development Division marketing be spent for cooperative marketing grants involving local economic development corporations.
- The section providing that \$15,000 of the Economic Development Division grants line item be allocated for professional training grants to economic development professionals in communities with a population of less than 10,000.



- The section providing that \$50,000 of the Economic Development Division grants line item be used for grants for a pilot project for remodeling of abandoned public school buildings.
- The section of legislative intent providing that the development fund continue its current mission and not become involved in the new markets initiative during the 2001-03 biennium.
- The section of legislative intent that the additional \$100,000 general fund appropriation added by the Senate for Lewis and Clark marketing not be considered part of the department's base budget for the purpose of submitting the budget request for the 2003-05 biennium.
- The section providing that \$75,000 of the Workforce Development Division grants line item be allocated to United States Department of Agriculture designated Champion/REAP Alliance communities for providing funding for an economic development coordinator for each of these communities.
- The section providing that \$400,000 of the Workforce Development Division grants line item be allocated for the development of a public/private partnership statewide talent recruitment initiative.
- The section providing that \$200,000 of the Workforce Development Division grants line item be allocated for grants to local communities and regions for labor availability research and for identification of employer workforce needs.

#### Senate Bill No. 2019 - Department of Commerce - Administration - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages		\$877,474	(\$877,474)	
Operating expenses		187,516	(187,516)	
Economic development foundation		100,000	(100,000)	
Total all funds	\$0	\$1,164,990	(\$1,164,990)	\$0
Less estimated income		<u>249,487</u>	<u>(249,487)</u>	
General fund	\$0	\$915,503	(\$915,503)	\$0
FTE	0.00	8.00	(8.00)	0.00

#### Dept. 606 - Department of Commerce - Administration - Detail of House Changes

	COMBINE FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$877,474)	(\$877,474)
Operating expenses	(187,516)	(187,516)
Economic development foundation	(100,000)	(100,000)
Total all funds	(\$1,164,990)	(\$1,164,990)
Less estimated income	<u>(249,487)</u>	<u>(249,487)</u>
General fund	(\$915,503)	(\$915,503)
FTE	(8.00)	(8.00)

<sup>1</sup> Funding for the Department of Commerce is combined into one subdivision as recommended by Governor Hoeven. The Senate appropriated funding separately to each of the divisions of the department.

#### Senate Bill No. 2019 - Department of Commerce - Economic Development - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages		\$2,388,822	(\$2,388,822)	
Operating expenses		4,453,499	(4,453,499)	
Equipment		111,058	(111,058)	
Grants		1,723,292	(1,723,292)	
North Dakota development fund		1,616,000	(1,616,000)	
Agricultural products utilization		5,007,270	(5,007,270)	
Total all funds	\$0	\$15,299,941	(\$15,299,941)	\$0
Less estimated income		<u>5,390,203</u>	<u>(5,390,203)</u>	
General fund	\$0	\$9,909,738	(\$9,909,738)	\$0
FTE	0.00	19.00	(19.00)	0.00

#### Dept. 607 - Department of Commerce - Economic Development - Detail of House Changes

	COMBINE FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$2,388,822)	(\$2,388,822)
Operating expenses	(4,453,499)	(4,453,499)
Equipment	(111,058)	(111,058)
Grants	(1,723,292)	(1,723,292)
North Dakota development fund	(1,616,000)	(1,616,000)
Agricultural products utilization	(5,007,270)	(5,007,270)
Total all funds	(\$15,299,941)	(\$15,299,941)
Less estimated income	<u>(5,390,203)</u>	<u>(5,390,203)</u>
General fund	(\$9,909,738)	(\$9,909,738)
FTE	(19.00)	(19.00)

<sup>1</sup> Funding for the Department of Commerce is combined into one subdivision as recommended by Governor Hoeven. The Senate appropriated funding separately to each of the divisions of the department.

### Senate Bill No. 2019 - Department of Commerce - Community Services - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages		\$1,665,525	(\$1,665,525)	
Operating expenses		2,539,380	(2,539,380)	
Equipment		73,500	(73,500)	
Grants		<u>34,306,934</u>	<u>(34,306,934)</u>	
Total all funds	\$0	\$38,585,339	(\$38,585,339)	\$0
Less estimated income		<u>37,503,285</u>	<u>(37,503,285)</u>	
General fund	\$0	\$1,082,054	(\$1,082,054)	\$0
FTE	0.00	15.00	(15.00)	0.00

### Dept. 608 - Department of Commerce - Community Services - Detail of House Changes

	COMBINE FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$1,665,525)	(\$1,665,525)
Operating expenses	(2,539,380)	(2,539,380)
Equipment	(73,500)	(73,500)
Grants	<u>(34,306,934)</u>	<u>(34,306,934)</u>
Total all funds	(\$38,585,339)	(\$38,585,339)
Less estimated income	<u>(37,503,285)</u>	<u>(37,503,285)</u>
General fund	(\$1,082,054)	(\$1,082,054)
FTE	(15.00)	(15.00)

<sup>1</sup> Funding for the Department of Commerce is combined into one subdivision as recommended by Governor Hoeven. The Senate appropriated funding separately to each of the divisions of the department.

### Senate Bill No. 2019 - Department of Commerce - Tourism - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages		\$905,785	(\$905,785)	
Operating expenses		3,300,437	(3,300,437)	
Equipment		15,378	(15,378)	
Grants		100,000	(100,000)	
Lewis and Clark Bicentennial		<u>755,751</u>	<u>(755,751)</u>	
Total all funds	\$0	\$5,077,351	(\$5,077,351)	\$0
Less estimated income		<u>363,000</u>	<u>(363,000)</u>	
General fund	\$0	\$4,714,351	(\$4,714,351)	\$0
FTE	0.00	9.00	(9.00)	0.00

### Dept. 609 - Department of Commerce - Tourism - Detail of House Changes

	COMBINE FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$905,785)	(\$905,785)
Operating expenses	(3,300,437)	(3,300,437)
Equipment	(15,378)	(15,378)
Grants	(100,000)	(100,000)
Lewis and Clark Bicentennial	<u>(755,751)</u>	<u>(755,751)</u>
Total all funds	(\$5,077,351)	(\$5,077,351)

Less estimated income	(363,000)	(363,000)
General fund	(\$4,714,351)	(\$4,714,351)
FTE	(9.00)	(9.00)

<sup>1</sup> Funding for the Department of Commerce is combined into one subdivision as recommended by Governor Hoeven. The Senate appropriated funding separately to each of the divisions of the department.

### Senate Bill No. 2019 - Department of Commerce - Workforce Development - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages		\$191,287	(\$191,287)	
Operating expenses		50,000	(50,000)	
Equipment		25,000	(25,000)	
Grants		<u>675,000</u>	<u>(675,000)</u>	
Total all funds	\$0	\$941,287	(\$941,287)	\$0
Less estimated income		<u>60,584</u>	<u>(60,584)</u>	
General fund	\$0	\$880,703	(\$880,703)	\$0
FTE	0.00	2.00	(2.00)	0.00

### Dept. 610 - Department of Commerce - Workforce Development - Detail of House Changes

	COMBINE FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$191,287)	(\$191,287)
Operating expenses	(50,000)	(50,000)
Equipment	(25,000)	(25,000)
Grants	<u>(675,000)</u>	<u>(675,000)</u>
Total all funds	(\$941,287)	(\$941,287)
Less estimated income	<u>(60,584)</u>	<u>(60,584)</u>
General fund	(\$880,703)	(\$880,703)
FTE	(2.00)	(2.00)

<sup>1</sup> Funding for the Department of Commerce is combined into one subdivision as recommended by Governor Hoeven. The Senate appropriated funding separately to each of the divisions of the department.

The following schedule compares Governor Schafer's recommendation, Governor Hoeven's recommendation, the Senate version, and the House version:

	2001-03 SCHAFER RECOMMENDATION	2001-03 HOEVEN RECOMMENDATION	SENATE VERSION	HOUSE VERSION
Department of Economic Development and Finance - SB 2019 as amended	\$20,411,391			
Tourism Department - HB 1022	4,960,778			
Division of Community Services - HB 1015	39,098,238			
Department of Commerce - SB 2019 as amended		\$60,968,908	\$61,068,908	\$61,015,117
Total	<u>\$64,470,407</u>	<u>\$60,968,908</u>	<u>\$61,068,908</u>	<u>\$61,015,117</u>
General fund	\$19,805,180	\$17,402,349	\$17,502,349	\$17,424,226
Other funds	\$44,665,227	\$43,566,559	\$43,566,559	\$43,590,891
FTE	62.00	53.00	53.00	57.00

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2009, SB 2012, SB 2032, SB 2380, SB 2454.

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

Page 1, line 2, remove "and"

Page 1, line 3, after "study" insert "; to provide a contingent appropriation; and to amend and reenact section 39-06-19, subsection 1 of section 39-06.2-09, and section 39-09-02 of the North Dakota Century Code, relating to highways and operators' licenses"

Page 1, line 11, replace "121,531,562" with "118,331,562"

Page 1, line 15, replace "739,566,343" with "736,366,343"

Page 1, after line 18, insert:

**"SECTION 3. CONTINGENT APPROPRIATION - GENERAL LICENSE PLATE ISSUE.** If the fifty-seventh legislative assembly approves additional revenues specifically identified for the purpose of providing funding for the additional cost of a general license plate issue, there is appropriated out of any moneys in the highway fund in the state treasury, not otherwise appropriated, the sum of \$3,200,000, to the department of transportation for the purpose of defraying the expenses of a general license plate issue, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 4. AMENDMENT.** Section 39-06-19 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-06-19. Expiration of license - Renewal.**

1. Every operator's license issued under this chapter expires and is renewed according to this section. The expiration date of an operator's license for ~~every~~ a person whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of an operator's license for ~~every~~ a person whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
2. If the licensee has reached the age of eighteen, and desires reissuance of a license with the distinctive background for licensees at least the age of eighteen and under the age of twenty-one, the applicant may apply at any time for a replacement license. If the licensee has reached the age of twenty-one and desires reissuance of a license without the distinctive color background required by section 39-06-14, the applicant may apply at any time for a replacement license. ~~In all other cases,~~
3. An applicant for renewal must present the application with fee for renewal of license ~~must be presented~~ to the director not ~~prior to~~ before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. After the initial application for a license in this state, the director may not require an applicant for renewal, replacement, or a substitute to provide a social security card unless the applicant is changing the distinguishing number on the license to the applicant's social security number. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.
4. Every application for renewal of a license by an applicant must be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. The director shall provide visual examination equipment at each location where a license may be renewed. The initial application for a motor vehicle operator's license may be accompanied by a statement of examination from a licensed physician or an optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of the department examination. ~~Such~~ This examination must be within six months of the driver license application.
5. Every person submitting an application and fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to such application, must be treated as a new driver.
6. The fee for renewal or replacement of an operator's license is ten dollars.

**SECTION 5. AMENDMENT.** Subsection 1 of section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

1. Content of license. The commercial driver's license must be marked "commercial driver's license", and must be, to the maximum extent practicable, tamper proof. It must include the following information:

- a. The name and residential address of the person;
- b. The person's color photograph;
- c. A physical description of the person, including sex, height, weight, and eye and hair color;
- d. Date of birth;
- e. The A distinguishing number assigned to the person which upon request may be a number different from the person's social security number;
- f. The person's signature;
- g. The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
- h. The name of this state; and
- i. The dates between which the license is valid.

**SECTION 6. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

**39-09-02. Speed limitations.**

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
  - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
  - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours.
  - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
  - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
  - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
  - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, ~~and on paved two-lane highways if there is no speed limit posted or if within the time period of one-half hour after sunset to one-half hour before sunrise,~~ unless otherwise permitted, restricted, or required by conditions.

- g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~if within the time period of one half hour before sunrise to one half hour after sunset and if posted for that speed, and on paved and divided multilane highways~~, unless otherwise permitted, restricted, or required by conditions.
  - h. ~~Seventy~~ Seventy-five miles [~~112.65~~ 120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply. If there is a violation of a highway construction zone speed limit, where within that zone individuals engaged in construction were present at the time of the violation, then the fees required for a noncriminal disposition are forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit. However, if a greater fee would be applicable under section 39-06.1-06, then that fee is required for the noncriminal disposition. The highway construction zone speed limit posted sign must state "Minimum Fee \$40".
  3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
  4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense.
  5. ~~Repealed by S.L. 1975, ch. 346, § 3."~~

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

This amendment removes the \$3.2 million for the general license plate issue from the operating expenses line item and adds a contingent appropriation section appropriating the \$3.2 million only if the 2001 Legislative Assembly specifically identifies additional revenues to provide for the cost of the general license plate issue.

Sections are added that:

- Increase the speed limit on the interstate to 75 miles per hour.
- Remove provisions for reduced nighttime speed limits.
- Allow individuals to request a unique identifying number other than their Social Security number for their commercial driver's license number.
- Provide that after the initial application for a driver's license, an individual does not need to provide the individual's Social Security number when renewing the individual's driver's license unless the individual is changing from a distinguishing number to the individual's Social Security number.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2032

Page 1, line 17, after the first semicolon insert "to provide for correction of statutory references;"

Page 26, line 30, remove "Director" and overstrike "- **Appointment**" and insert immediately thereafter "Director"

Page 26, line 31, overstrike "The" and remove "commissioner of"

Page 27, line 1, remove "commerce" and overstrike "shall appoint as director a person who is qualified by training, knowledge, and"

Page 27, overstrike lines 2 and 3

Page 27, line 4, overstrike "of the", remove the first "commissioner", overstrike "and shall receive a salary set by the", and remove the second "commissioner"

Page 27, line 5, overstrike "within the limits of legislative appropriations."

Page 28, line 3, after the semicolon insert "and"

Page 28, line 4, overstrike "Report at least annually to an interim committee designated by the legislative"

Page 28, line 5, overstrike "council on performance of all divisions of the", remove "division", and overstrike "of economic"

Page 28, overstrike line 6

Page 28, line 7, overstrike "satisfaction the", remove "division", and overstrike "of economic development and finance has in"

Page 28, overstrike lines 8 through 11

Page 28, line 12, overstrike "9."

Page 30, line 17, overstrike "1."

Page 30, line 21, overstrike "2. The", remove "commissioner of commerce", overstrike "shall appoint a director of the", and remove "division of"

Page 30, line 22, overstrike "tourism", overstrike "who shall serve at the will of the", remove "commissioner", and overstrike the period

Page 33, replace lines 3 through 11 with:

"2. The commissioner shall appoint the directors of the division of community services, division of economic development and finance, division of workforce development, and any division created by the commissioner under subsection 1. Effective August 1, 2005, the commissioner shall also appoint the director of the division of tourism. Each director serves at the pleasure of the commissioner and is entitled to receive a salary set by the commissioner within the limits of legislative appropriation. Until August 1, 2005, the governor shall appoint the director of the division of tourism, who shall serve at the pleasure of the governor and is entitled to receive a salary set by the governor within the limits of legislative appropriation."

Page 34, line 7, replace "on" with ":

a. On"

Page 34, line 8, replace ", on" with ":

b. On"

Page 34, line 9, replace ", on" with ":

c. On"

Page 34, line 10, replace ", and summarizing" with ":

d. On"

Page 34, line 11, after the underscored semicolon insert "and

e. On commerce benchmarks, including the average annual wage in the state, the gross state product exclusive of agriculture, and the number of primary sector jobs in the state;"

Page 38, line 5, overstrike "hereby"

Page 38, line 6, overstrike "which" and insert immediately thereafter "that"

Page 38, line 8, overstrike "and it" and insert immediately thereafter ". The council" and overstrike the second "shall"

Page 38, line 9, overstrike "consist" and insert immediately thereafter "consists" and after "of" insert "a traffic counsel selected by the members of the council, a representative of the railways serving the state who is selected by the council, and"

Page 38, line 14, overstrike "livestock industry council" and insert immediately thereafter "North Dakota stockmen's association"

Page 38, line 15, after "Dakota" insert "state"

Page 38, line 18, overstrike "farmers"

Page 38, line 19, overstrike "The North Dakota railway lines."

Page 38, line 20, overstrike "10."

Page 38, line 21, overstrike "11." and insert immediately thereafter "10."

Page 38, overstrike lines 22 and 23

Page 40, after line 21, insert:

**"SECTION 56. LEGISLATIVE COUNCIL CORRECTION OF STATUTORY REFERENCES.** The legislative council may replace references to the "department of economic development and finance", "division of community services", "tourism department", and "department of economic development and finance division of finance" with references to the "department of commerce division of economic development and finance", department of commerce division of community services", "department of commerce division of tourism", "department of commerce division of economic development and finance finance office", "department of commerce", and "commissioner of commerce", or any variation of these terms as appropriate, in any measure enacted by the fifty-seventh legislative assembly."

ReNUMBER accordingly

#### **HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2380**

In lieu of the amendments adopted by the House as printed on pages 1124-1127 of the House Journal, Reengrossed Senate Bill No. 2380 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a community health grant program; to provide an appropriation; and to provide for a legislative council study."

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

##### **SECTION 1. Community health grant program.**

1. The state department of health shall establish a community health grant program. The primary purpose of the program is to prevent or reduce tobacco usage in the state by strengthening community-based public health programs and by providing assistance to public health units and communities throughout the state. The program must build on and may not duplicate existing programs. Grants awarded under the program must be awarded on a noncompetitive basis using the per capita formula provided for in this subsection. The program must, to the extent funding is available, follow guidelines concerning tobacco prevention programs recommended by the centers for disease control and prevention. Entities awarded grants under the program may contract with or award grants to private providers that conduct tobacco cessation programs. Not more than five percent of the community health grant program funds may be expended for surveillance and evaluation activities. Funds appropriated for the program must be allocated as follows:



- a. Forty percent of all funds appropriated for the program must be granted to a public health unit or to cooperating public health units that have an agreement with school boards concerning preventive health programs to be funded. The program must be developed with student participation and must include a plan to reduce student tobacco use.
  - b. Forty percent of all funds appropriated for the program must be granted to a public health unit or to cooperating public health units that have established a unitwide plan, developed in cooperation with local elected officials in the unit's jurisdiction, concerning the preventive health programs to be funded. The plan must address programs to reduce tobacco use by the residents living in the counties serviced by the units; however, the plan may include other chronic disease programs. In addition to any grants received under this subdivision, each county with a population of less than ten thousand must receive five thousand dollars per biennium to be used to implement the county's programs.
  - c. Twenty percent of all funds appropriated for the program must be granted to public health units to supplement existing state aid from other sources. Each unit must receive one percent of the amount allocated under this subsection for each county within the unit and the remaining amount must be distributed to each unit on a per capita basis.
2. The state department of health, in establishing the community health grant program, shall build upon the state's existing tobacco control grant program activities and shall follow the centers for disease control and prevention's best practices for comprehensive tobacco control programs. The department shall encourage applicants to include in their plans:
    - a. Community programs that:
      - (1) Engage youth in the development and implementation of interventions;
      - (2) Develop partnerships with local organizations;
      - (3) Conduct educational programs at local levels; and
      - (4) Promote government and voluntary health policies, such as clean indoor air, youth access, and treatment coverage.
    - b. Promotion of school programs by partnering with public health organizations, school boards, education associations, and other organizations in each county to provide school programs that promote:
      - (1) Tobacco-free policies;
      - (2) Evidence-based curricula;
      - (3) Teacher training;
      - (4) Parental involvement; and
      - (5) Cessation services for students and staff.

**SECTION 2. Community health grant program advisory committee - Duties of state health officer.**

1. The state health officer shall establish a community health grant program advisory committee and shall appoint, after consulting with the governor, appropriate members to advise the state department of health in the development of a community health grant program. The state health officer, who shall be the chairman of the committee, shall appoint to the committee the state tobacco control administrator; one high school student; one student of a postsecondary institution in the state; one representative of a nongovernmental tobacco control organization; and one law

enforcement officer. In addition to the members appointed by the state health officer, the committee must include:

- a. One individual appointed by the North Dakota Indian affairs commission;
  - b. One individual appointed by the North Dakota public health association;
  - c. The superintendent of public instruction or the superintendent's designee;
  - d. An academic researcher with expertise in tobacco control and health promotion intervention, appointed by the dean of the university of North Dakota school of medicine and health sciences; and
  - e. One physician appointed by the North Dakota medical association.
2. Members of the committee who are not state employees or officers are entitled to be compensated at a rate of sixty-two dollars and fifty cents per day and are entitled to mileage and expenses as provided by law for state officers and employees. A state employee who is a member of the committee must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency.
3. The state department of health, with the committee's involvement, shall provide assistance to:
- a. Evaluate programs;
  - b. Promote media advocacy by working with statewide media associations;
  - c. Implement smoke-free policies by involving antitobacco groups in promoting the need for smoke-free public buildings;
  - d. Work to reduce minors' access to tobacco in all communities;
  - e. Facilitate the coordination of program components with the local level; and
  - f. Involve state agencies, law enforcement, and local government in the administration and management of the program.
4. The state health officer shall monitor the implementation of the community health grant program. The state health officer shall provide reports to the legislative council regarding the implementation of the program not later than December 31, 2001, and November 1, 2002. Upon request, the state health officer shall provide assistance to any interim legislative committee that may study the implementation of the community health grant program and shall recommend any legislation that the community health grant program advisory committee considers appropriate to improve the community health grant program.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding the community health grant program advisory committee, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding grants to cities and counties on a dollar-for-dollar matching fund basis for city and county employee tobacco education and cessation programs, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 5. ALCOHOL, TOBACCO, AND DRUG ABUSE PROGRAMS - LEGISLATIVE COUNCIL STUDY.** During the 2001-02 interim, the legislative council shall consider studying the programs that deal with the prevention and treatment of

alcohol, tobacco, and drug abuse and other kinds of risk-associated behavior which are operated by various state agencies, including the department of corrections and rehabilitation, the attorney general, the state department of health, the department of human services, the department of public instruction, the department of transportation, the national guard, and the supreme court, and whether better coordination among the programs within those agencies may lead to a more effective and cost-efficient way of operating the programs and providing services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 301 - State Department of Health - House Action**

The bill as amended establishes a community health grant program, allocates moneys appropriated for the program, establishes a community health grant program advisory committee, provides appropriations from the community health trust fund of \$100,000 for the expenses of the committee and \$250,000 for matching grants to cities and counties for city and county employee tobacco education and cessation programs, and provides for a Legislative Council study of alcohol, tobacco, and drug abuse programs. The provision to allow the community health trust fund to retain any interest earned is removed.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009**

Page 1, line 10, replace "400,000" with "385,000"

Page 1, line 11, replace "610,000" with "595,000"

Page 1, line 12, replace "35,000" with "20,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2009 - State Fair Association - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital improvements	\$210,000	\$210,000		\$210,000
Premiums	<u>360,000</u>	<u>400,000</u>	<u>(\$15,000)</u>	<u>385,000</u>
Total all funds	\$570,000	\$610,000	(\$15,000)	\$595,000
Less estimated income	<u>20,000</u>	<u>35,000</u>	<u>(15,000)</u>	<u>20,000</u>
General fund	\$550,000	\$575,000	\$0	\$575,000
FTE	0.00	0.00	0.00	0.00

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

	DECREASE FUNDING FOR PREMIUMS <sup>1</sup>	TOTAL HOUSE CHANGES
Capital improvements		
Premiums	<u>(\$15,000)</u>	<u>(\$15,000)</u>
Total all funds	(\$15,000)	(\$15,000)
Less estimated income	<u>(15,000)</u>	<u>(15,000)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment removes the additional \$15,000 special funds appropriation for premiums added by the Senate and therefore reduces the amount of special funds appropriated for premiums from \$35,000 to \$20,000. The funding provided for premiums from the general fund of \$365,000 remains unchanged.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2454**

In lieu of the amendments adopted by the House as printed on pages 1154 and 1155 of the House Journal, Senate Bill No. 2454 is amended as follows:

Page 1, line 5, remove "and" and after "date" insert "; and to provide an expiration date"

Page 2, line 8, replace "two and one-tenth" with "one and five-hundredths"

Page 2, line 16, replace "eight-tenths" with "nine-tenths"

Page 2, line 18, replace "is effective for taxable events occurring after" with "becomes effective on the first day of the first month after the tax commissioner certifies to the governor and the office of the legislative council that a refining facility is operational in this state which has a production capacity of at least ten million gallons [37854000 liters] of biodiesel per year.

**SECTION 6. EXPIRATION DATE.** This Act is for taxable events occurring from the effective date of this Act under section 5 of this Act through June 30, 2003, and is thereafter ineffective."

Page 2, remove line 19

ReNUMBER accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1008, HB 1160, HB 1162, and HB 1202.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1215.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2034:** Reps. Wrangham; Maragos; Delmore  
**SB 2039:** Reps. Herbel; Clark; Winrich  
**SB 2166:** Reps. L. Thoreson; Meier; Grumbo  
**SB 2204:** Reps. D. Johnson; Renner; Onstad  
**SB 2308:** Reps. Devlin; F. Klein; Cleary  
**SB 2389:** Reps. Brandenburg; Kingsbury; Sandvig  
**SB 2427:** Reps. Drovdal; Nelson; Winrich

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1007, HB 1020, HB 1025, and HB 1386 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1007:** Reps. Koppelman; Skarphol; Huether  
**HB 1020:** Reps. Martinson; Boehm; Gulleon  
**HB 1025:** Reps. Carlisle; Koppelman; Huether  
**HB 1386:** Reps. Disrud; Froseth; Ekstrom

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1245, HB 1267, HB 1457.

#### MOTION

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

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Thursday, April 5, 2001, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

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

Page 1, line 2, after the semicolon insert "to provide for standards of practice for guardians;"

Page 1, line 3, after the first semicolon insert "to provide for a legislative council study;" and replace "sections" with "section"

Page 1, line 4, replace the first "and" with ", subsection 1 of section 53-06.2-02, subsection 3 of section 53-06.2-11, sections" and after "54-12-11" insert ", and 54-12-18"

Page 1, line 5, replace the first "and" with ", racing commission supervision and expenses," and after "general" insert ", and the attorney general refund fund; to provide for retroactive application"

Page 1, line 12, replace "14,841,235" with "14,970,368"

Page 1, line 13, replace "5,882,969" with "6,002,469"

Page 1, line 14, replace "399,876" with "414,876"

Page 1, line 17, replace "297,112" with "240,568"

Page 1, line 23, replace "32,142,123" with "32,349,212"

Page 2, line 1, replace "17,751,371" with "17,454,259"

Page 2, line 2, replace "14,390,752" with "14,894,953"

Page 2, line 22, after "23-37" insert ". Fees under this section may be collected in amounts"

Page 2, line 23, replace "2001" with "1999", replace "2003" with "2001, and of up to a total of \$35,000 for services provided by the state fire marshal program for the biennium beginning July 1, 2001, and ending June 30, 2003"

Page 3, remove lines 5 through 11

Page 3, after line 30, insert:

**"SECTION 13. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES.**

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing volunteer guardianship training in the state, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 14. Standards of practice for guardians.** The attorney general, in cooperation with the department of human services, shall adopt and implement standards of practice for guardianship services in accordance with the national guardianship association standards of practices adopted most recently by the membership of the national guardianship association.

**SECTION 15. LEGISLATIVE COUNCIL STUDY - RACING COMMISSION.**

The legislative council shall consider studying, during the 2001-02 interim, the racing commission, including its authority to schedule, promote, support, and regulate live or simulcast racing in North Dakota. If chosen, the study must address the effectiveness of the commission's authority to both promote and regulate racing and whether its authority is appropriate for the commission and its members. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Page 5, after line 3, insert:

**"SECTION 17. AMENDMENT.** Subsection 1 of section 53-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

1. A North Dakota racing commission is established in the office of the attorney general. The commission is subject to the supervision and direction of the attorney general, except with regard to the commission's authority to spend the funds described in subsection 6 of section 53-06.2-11. The attorney general may require payment for any services rendered to the racing commission. Payment for such services must be deposited into the attorney general's operating fund. The commission consists of the chairman and four other members appointed by the governor. Of the members appointed by the governor, one must be appointed from a list of four nominees, one of whom is nominated by the state chapter or affiliate of the American quarter horse racing association,

one of whom is nominated by the state chapter or affiliate of the United States trotting association, one of whom is nominated by the state chapter or affiliate of the international Arabian horse association, and one of whom is nominated by the state chapter or affiliate of the North Dakota thoroughbred association. The members serve five-year terms and until a successor is appointed and qualified. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so that one term expires each July first. At the expiration of the five-year term of each incumbent member of the commission, the governor shall appoint a new member to the commission.

**SECTION 18. AMENDMENT.** Subsection 3 of section 53-06.2-11 of the North Dakota Century Code is amended and reenacted as follows:

3. Unclaimed tickets and breakage from each live race meet and simulcast program as defined by the commission and the percentage of the wagering pool to be paid to the racing promotion fund under subsections 1 and 2 must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. Notwithstanding this section, the commission may, upon approval of the ~~emergency commission~~ attorney general, receive no more than twenty-five percent of this fund for the purpose of payment of operating expenses of the commission."

Page 5, after line 10, insert:

**"SECTION 20. AMENDMENT.** Section 54-12-18 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-12-18. Special fund established - Continuing appropriation.** A special fund is established in the state treasury and designated as the attorney general refund fund. The attorney general shall deposit all moneys recovered by the consumer protection division for refunds to consumers in cases where persons or parties are found to have violated the consumer fraud laws, all costs, expenses, attorney's fees, and civil penalties collected by the division regarding any consumer protection or antitrust matter, all cash deposit bonds paid by applicants for a transient merchant's license who do not provide a surety bond, and all funds and fees collected by the gaming section for licensing tribal gaming and for the investigation of gaming employees, applicants, organizations, manufacturers, distributors, or tribes involved in state or tribal gaming. The moneys in the fund are appropriated, as necessary, for the following purposes:

1. To provide refunds of moneys recovered by the consumer protection and antitrust division on behalf of specifically named consumers;
2. To pay valid claims against cash deposit bonds posted by transient merchant licensees;
3. To refund, upon expiration of the two-year period after the expiration of the transient merchant's license, the balance of any cash deposit bond remaining after the payment of valid claims;
4. To pay costs, expenses, and attorney's fees and salaries incurred in the operation of the consumer protection division; and
5. To pay the actual costs of background investigations, licensing, and enforcement of gaming in the state or pursuant to Indian gaming compacts.

At the end of each ~~fiscal year~~ biennium any moneys in the fund in excess of the amounts required for subsections 1, 2, 3, and 5 must be deposited in the general fund. The attorney general, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for use of the attorney general refund fund, particularly with respect to expenditures under subsection 4.

**SECTION 21. RETROACTIVE APPLICATION.** Section 6 of this Act is effective for services provided by the state fire marshal program beginning July 1, 1999."

Page 5, line 11, replace "11" with "10"

Renumber accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1003 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Attorney General				
Total all funds	\$31,909,515	\$32,142,123	\$207,089	\$32,349,212
Less estimated income	<u>16,979,504</u>	<u>17,751,371</u>	<u>(297,112)</u>	<u>17,454,259</u>
General fund	\$14,930,011	\$14,390,752	\$504,201	\$14,894,953
Department of Human Services - Program and Policy				
Total all funds	\$0	\$0	\$50,000	\$50,000
Less estimated income				
General fund	<u>\$0</u>	<u>\$0</u>	<u>\$50,000</u>	<u>\$50,000</u>
Bill Total				
Total all funds	\$31,909,515	\$32,142,123	\$257,089	\$32,399,212
Less estimated income	<u>16,979,504</u>	<u>17,751,371</u>	<u>(297,112)</u>	<u>17,454,259</u>
General fund	\$14,930,011	\$14,390,752	\$554,201	\$14,944,953

#### House Bill No. 1003 - Attorney General - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$14,847,334	\$14,841,235	\$129,133	\$14,970,368
Operating expenses	5,882,969	5,882,969	119,500	6,002,469
Equipment	428,876	399,876	15,000	414,876
Grants	5,524,989	5,734,398		5,734,398
Litigation fees	50,000	50,000		50,000
Racing Commission	238,814	297,112	(56,544)	240,568
National criminal history improvement project	2,358,720	2,358,720		2,358,720
Arrest and return of fugitives	10,000	10,000		10,000
Gaming Commission	5,109	5,109		5,109
Law enforcement programs	631,056	631,056		631,056
High-intensity drug trafficking area	1,931,648	1,931,648		1,931,648
Total all funds	\$31,909,515	\$32,142,123	\$207,089	\$32,349,212
Less estimated income	<u>16,979,504</u>	<u>17,751,371</u>	<u>(297,112)</u>	<u>17,454,259</u>
General fund	\$14,930,011	\$14,390,752	\$504,201	\$14,894,953
FTE	158.50	158.50	2.00	160.50

#### Dept. 125 - Attorney General - Detail of Senate Changes

	ADD PUBLIC INFORMATION OFFICER <sup>1</sup>	ADD BCI AGENT	ADD INFORMATION TECHNOLOGY FUNDING <sup>2</sup>	CHANGE FUNDING FOR RACING COMMISSION <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$48,000	\$81,133			\$129,133
Operating expenses		19,500	\$100,000		119,500
Equipment		15,000			15,000
Grants					
Litigation fees					
Racing Commission				(\$56,544)	(56,544)
National criminal history improvement project					
Arrest and return of fugitives					
Gaming Commission					
Law enforcement programs					
High-intensity drug trafficking area					
Total all funds	\$48,000	\$115,633	\$100,000	(\$56,544)	\$207,089
Less estimated income				<u>(297,112)</u>	<u>(297,112)</u>
General fund	\$48,000	\$115,633	\$100,000	\$240,568	\$504,201
FTE	1.00	1.00	0.00	0.00	2.00

<sup>1</sup> A public information officer position is added only for the second year of the biennium.

<sup>2</sup> Operating expenses are increased by \$100,000 from the general fund to provide a total of \$200,000 from the general fund for costs associated with rewriting the uniform crime reporting (UCR) computer system.

<sup>3</sup> The funding source for Racing Commission expenses is changed from Racing Commission special funds as included in the House version to the general fund. This amendment removes funding of \$56,544 added by the House for additional funding for Racing Commission operating costs.

A section is added providing that any excess moneys in the Attorney General refund fund be transferred to the general fund at the end of each biennium rather than at the end of each fiscal year. (Section 20)

A retroactive application section is added which will allow the Fire Marshal to bill for services provided to entities covered by the petroleum release compensation fund for the 1999-2001 biennium in addition to the 2001-03 biennium. (Section 21)

Sections are added providing that:

- The Racing Commission is under the supervision of the Attorney General. (Section 17)
- The Attorney General may charge the Racing Commission for services provided to the commission. (Section 17)
- The Attorney General, rather than the Emergency Commission, may authorize the Racing Commission to spend more than 25 percent of the promotion fund for operating expenses of the commission. (Section 18)

A section is added providing for a Legislative Council study of the Racing Commission.

#### House Bill No. 1003 - Department of Human Services - Program and Policy - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Grants			<u>\$50,000</u>	<u>\$50,000</u>
Total all funds	\$0	\$0	\$50,000	\$50,000
Less estimated income				
General fund	\$0	\$0	\$50,000	\$50,000
FTE	0.00	0.00	0.00	0.00

#### Dept. 328 - Department of Human Services - Program and Policy - Detail of Senate Changes

	ADD GUARDIANSHIP TRAINING FUNDING <sup>1</sup>	TOTAL SENATE CHANGES
Grants	<u>\$50,000</u>	<u>\$50,000</u>
Total all funds	\$50,000	\$50,000
Less estimated income		
General fund	\$50,000	\$50,000
FTE	0.00	0.00

<sup>1</sup> Funding is added for the Department of Human Services to provide volunteer guardianship training during the 2001-03 biennium. (Section 13)

A section is added providing that the Attorney General, in cooperation with the Department of Human services, implement standards of practice for guardianship services. (Section 14)

#### REPORT OF STANDING COMMITTEE

**HB 1004, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1004 was placed on the Sixth order on the calendar.**

Page 1, line 10, replace "5,855,615" with "5,802,615"

Page 1, line 11, replace "745,320" with "775,320"

Page 1, line 13, replace "6,679,905" with "6,656,905"

Page 1, line 15, replace "4,534,068" with "4,511,068"

Re-number accordingly



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

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,716,616	\$5,855,615	(\$53,000)	\$5,802,615
Operating expenses	775,320	745,320	30,000	775,320
Equipment	78,970	78,970		78,970
Total all funds	\$6,570,906	\$6,679,905	(\$23,000)	\$6,656,905
Less estimated income	<u>2,145,837</u>	<u>2,145,837</u>		<u>2,145,837</u>
General fund	\$4,425,069	\$4,534,068	(\$23,000)	\$4,511,068
FTE	53.00	55.00	(1.00)	54.00

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

	REMOVE FTE POSITION ADDED BY HOUSE <sup>1</sup>	ADD FUNDING FOR ADDITIONAL SALARY ADJUSTMENTS <sup>2</sup>	RESTORE FUNDING FOR OPERATING EXPENSES <sup>3</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$70,000)	\$17,000		(\$53,000)
Operating expenses			\$30,000	30,000
Equipment				
Total all funds	(\$70,000)	\$17,000	\$30,000	(\$23,000)
Less estimated income				
General fund	(\$70,000)	\$17,000	\$30,000	(\$23,000)
FTE	(1.00)	0.00	0.00	(1.00)

<sup>1</sup> This amendment removes one FTE auditor I position added by the House for the agency's state audit division. The agency unfunded two FTE auditor I positions in the base budget request for the 2001-03 biennium; the positions were deleted in the Schafer and Hoeven budget recommendations.

<sup>2</sup> The Schafer and Hoeven budget recommendations included \$35,000 for salary adjustments, in addition to the executive budget compensation package, to increase entry-level auditor salaries to assist in reducing agency turnover. The Senate version increases funding for this purpose by \$17,000, to provide a total of \$52,000.

<sup>3</sup> The House reduced funding for operating expenses by \$30,000 to partially offset the cost of the two FTE positions added by the House. The Senate amendment restores the \$30,000 for operating expenses.

**REPORT OF STANDING COMMITTEE**

**HB 1015, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1015 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the second "and"

Page 1, line 7, after "assessment" insert "; to provide a conditional exemption for state property from special assessments for flood control in a city that has received state financial assistance for flood control projects; and to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to new building construction cost-benefit analyses"

Page 1, line 17, replace "14,057,270" with "11,918,846"

Page 1, line 18, replace "12,330,726" with "9,651,346"

Page 1, line 19, replace "239,500" with "166,000"

Page 1, line 21, replace "34,692,934" with "274,000"

Page 1, line 22, replace "5,400,000" with "5,000,000"

Page 1, line 23, replace "68,041,050" with "28,330,812"

Page 2, line 1, replace "47,747,445" with "9,442,120"

Page 2, line 2, replace "20,293,605" with "18,888,692"

Page 2, line 11, replace "24,609,357" with "23,204,444"

Page 2, line 12, replace "48,671,877" with "10,366,552"

Page 2, line 13, replace "73,281,234" with "33,570,996"

Page 4, replace lines 1 through 9 with:

"Agency salaries and wages appropriations are increased in total by approximately two percent for the 2001-03 biennium relating to increased health insurance benefit costs."

Page 4, line 13, replace "600,000" with "500,000"

Page 4, line 29, replace "\$2,700,000" with "\$2,000,000"

Page 5, line 6, replace "\$50,000,000" with "\$60,000,000"

Page 5, line 12, replace "\$100,000,000" with "\$140,000,000"

Page 5, line 25, replace "\$100,000,000" with "\$140,000,000"

Page 5, after line 25, insert:

**"SECTION 12. STUDENT LOAN TRUST TRANSFER TO STATE GENERAL FUND.** The industrial commission shall transfer to the general fund in the state treasury the sum of \$9,000,000 from the North Dakota student loan trust. The moneys must be transferred in such amounts and at such times as requested by the director of the office management and budget during the biennium beginning July 1, 2001, and ending June 30, 2003, and upon certification by the student loan trust trustee that sufficient moneys remain available to pay all debt service on student loan trust bonds, all required rebate payments to the United States treasury, and all program operating expenses."

Page 7, after line 4, insert:

**"SECTION 18. City flood control special assessment exemption for state property.** Notwithstanding any other provision of law, property of the state in a city subject to this section is exempt from special assessments levied for flood control purposes. Upon request by the governing body of the city, the exemption under this section may be completely or partially waived by majority vote of the budget section of the legislative council. A city is subject to the exemption under this section in recognition of state financial assistance for flood control provided to the city pursuant to section 61-02.1-01 or other appropriation or commitment of state funds.

**SECTION 19.** A new section to chapter 54-44.1 of the North Dakota Century Code is created and enacted as follows:

**Office of the budget and information technology department - New building construction cost-benefit analyses.** The office of the budget shall complete a cost-benefit analysis for each new building construction project included in budget requests submitted by state agencies, departments, and institutions. The analysis must review options for co-locating with other state agencies, departments, or institutions and consider information on related technology costs and savings. The office of the budget shall obtain the assistance of the information technology department, and that department shall review the technology costs and savings involved in the proposed building and provide the analysis to the office of the budget. The office of the budget shall report on the cost-benefit analyses for building projects included in the governor's budget recommendation to the legislative assembly at the same time as the governor's budget and revenue proposals are presented."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1015 - Summary of Senate Action

EXECUTIVE  
BUDGET

HOUSE  
VERSION

SENATE  
CHANGES

SENATE  
VERSION

Total all funds	\$68,122,987	\$68,041,050	(\$39,710,238)	\$28,330,812
Less estimated income	<u>47,747,445</u>	<u>47,747,445</u>	<u>(38,305,325)</u>	<u>9,442,120</u>
General fund	\$20,375,542	\$20,293,605	(\$1,404,913)	\$18,888,692
Radio Communications				
Total all funds	\$5,240,184	\$5,240,184	\$0	\$5,240,184
Less estimated income	<u>524,432</u>	<u>924,432</u>		<u>924,432</u>
General fund	\$4,715,752	\$4,315,752	\$0	\$4,315,752
Bill Total				
Total all funds	\$73,363,171	\$73,281,234	(\$39,710,238)	\$33,570,996
Less estimated income	<u>48,271,877</u>	<u>48,671,877</u>	<u>(38,305,325)</u>	<u>10,366,552</u>
General fund	\$25,091,294	\$24,609,357	(\$1,404,913)	\$23,204,444

**House Bill No. 1015 - Office of Management and Budget - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$14,157,807	\$14,057,270	(\$2,138,424)	\$11,918,846
Operating expenses	12,307,126	12,330,726	(2,679,380)	9,651,346
Equipment	244,500	239,500	(73,500)	166,000
Capital improvements	1,320,620	1,320,620		1,320,620
Grants	34,692,934	34,692,934	(34,418,934)	274,000
Statewide compensation plan	<u>5,400,000</u>	<u>5,400,000</u>	<u>(400,000)</u>	<u>5,000,000</u>
Total all funds	\$68,122,987	\$68,041,050	(\$39,710,238)	\$28,330,812
Less estimated income	<u>47,747,445</u>	<u>47,747,445</u>	<u>(38,305,325)</u>	<u>9,442,120</u>
General fund	\$20,375,542	\$20,293,605	(\$1,404,913)	\$18,888,692
FTE	153.00	152.00	(21.00)	131.00

**Dept. 110 - Office of Management and Budget - Detail of Senate Changes**

	DECREASE FUNDING FOR STATE CONTINGENCY <sup>1</sup>	DECREASE FUNDING FOR PREPLANNING REVOLVING FUND <sup>2</sup>	DECREASE FUNDING FOR THE STATEWIDE COMPENSATION PLAN <sup>3</sup>	REMOVE FUNDING FOR THE DIVISION OF COMMUNITY SERVICES <sup>4</sup>	TOTAL SENATE CHANGES
Salaries and wages				(\$2,138,424)	(\$2,138,424)
Operating expenses	(\$100,000)			(2,579,380)	(2,679,380)
Equipment				(73,500)	(73,500)
Capital improvements					
Grants		(\$112,000)		(34,306,934)	(34,418,934)
Statewide compensation plan			(\$400,000)		(400,000)
Total all funds	(\$100,000)	(\$112,000)	(\$400,000)	(\$39,098,238)	(\$39,710,238)
Less estimated income			(400,000)	(37,905,325)	(38,305,325)
General fund	(\$100,000)	(\$112,000)	\$0	(\$1,192,913)	(\$1,404,913)
FTE	0.00	0.00	0.00	(21.00)	(21.00)

<sup>1</sup> This amendment reduces funding for the state contingency fund by \$100,000, from \$600,000, to \$500,000. Funding of \$600,000 was provided for the 1999-2001 biennium.

<sup>2</sup> This amendment reduces funding provided for replenishing the preplanning revolving fund by \$112,000, from \$207,000 to \$95,000. The funding provided will result in \$250,000 of total available funds in the preplanning revolving fund, and increase of \$50,000 from the 1999-2001 level.

<sup>3</sup> This amendment reduces funding for a statewide salary pool for equity increases for classified state employees by \$400,000, from \$5,400,000 to \$5,000,000, of which \$2,700,000 is from the general fund and \$2,300,000 is from special funds.

<sup>4</sup> This amendment removes funding related to the Division of Community Services in order to implement the consolidation of the Department of Economic Development and Finance, the Division of Community Services, and the Tourism Department into a new Department of Commerce as recommended in the Hoeven executive budget and to be provided for in Senate Bill No. 2019.

This amendment anticipates that the Office of Management and Budget and the Emergency Commission will not spend \$300,000 of the \$600,000 in funding provided for the 1999-2001 biennium for state contingencies. This will result in additional general fund turnback of \$300,000 at the end of the 1999-2001 biennium which will be reflected in the legislative budget status as an increase to the July 1, 2001, general fund balance.

**House Bill No. 1015 - Other Changes - Senate Action**

This amendment also:

- Amends Section 5 and removes Section 6 of the engrossed bill to remove the provision that any agency may provide additional average salary increases of one percent for the second year of the 2001-03 biennium to the extent that the increases can be paid without an increase in the agency's appropriation and to add a statement that agency salaries and wages appropriations in total are increased by approximately two percent for the 2001-03 biennium relating to increased health insurance benefit costs.

- Amends Section 9 of the engrossed bill to reduce the amount of anticipated proceeds to be realized from the sale of loans in the developmental disabilities revolving loan fund by \$700,000, from \$2,700,000 to \$2,000,000. (The fiscal impact resulting from this change was included in the budget status based on the committee motion on March 16, 2001.)
- Amends Sections 11 and 12 of the engrossed bill to increase the amount to be transferred to the state general fund from the Bank of North Dakota by \$10 million, from \$50 million to \$60 million, and to increase the Bank's capital structure limit from \$100 million to \$140 million.
- Adds a section to the bill to provide for a transfer to the state general fund from the student loan trust in the amount of \$9 million.
- Adds a section to the bill to provide a conditional exemption for state property from city special assessments for flood control.
- Creates a new section to the North Dakota Century Code which requires the Office of Management and Budget, in conjunction with the Information Technology Department, to complete a cost-benefit analysis for each new building construction project requested in state agency budget requests and report on the cost-benefit analyses for those projects included in the Governor's budget to the Legislative Assembly.

#### REPORT OF STANDING COMMITTEE

**HB 1023, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1023 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "a statement" with "statements" and after "enact" insert "a new subsection to section 61-02-14,"

Page 1, line 5, after "61-02.1" insert a comma

Page 1, line 6, replace "and" with a comma and after "bonds" insert ", and the powers and duties of the state water commission"

Page 1, line 7, replace "sections 54-27-25 and" with "subsections 4 and 5 of section 61-01-26 and section" and replace the third "and" with a comma

Page 1, line 8, replace "section" with "sections 10 and" and after "Laws" insert ", and section 2 of House Bill No. 1151, as approved by the fifty-seventh legislative assembly"

Page 1, line 9, after "fund" insert ", sharing costs for water quality protection programs", after "Dakota" insert ", the statewide water development program", and remove "and to"

Page 1, line 10, after "bonds" insert ", and construction of a Devils Lake outlet" and replace "provide an exemption from payment of fees" with "transfer funds from the water development trust fund to the general fund; to provide requirements for the Fargo flood control project"

Page 1, line 20, replace "6,503,485" with "7,503,485"

Page 1, line 22, replace "23,710,864" with "28,710,864"

Page 2, line 2, replace "special funds appropriation" with "all funds" and replace "93,878,341" with "99,878,341"

Page 2, after line 2, insert:

"Less estimated income	90,144,521
Total general fund appropriation	\$9,733,820

**SECTION 2. STATEWIDE WATER DEVELOPMENT PROJECTS.** The amount of \$200,000, or so much of the funds as may be necessary, included in the statewide water development projects line item in section 1 of this Act is for cost-sharing for projects authorized under section 319 of the Federal Water Pollution Control Act [Pub. L. 100-4; 100 Stat. 52; 33 U.S.C. 1329] for the control of nonpoint sources of pollution for the biennium beginning July 1, 2001, and ending June 30, 2003."

Page 2, line 7, replace "\$47,365,504" with "\$37,631,684"

Page 5, replace lines 1 through 31 with:

**"SECTION 10. AMENDMENT.** Subsections 4 and 5 of section 61-01-26 of the North Dakota Century Code are amended and reenacted as follows:

4. Accruing benefits from these resources can best be achieved for the people of the state through the development, execution, and periodic updating of comprehensive, coordinated, and well-balanced short-term and long-term plans and programs for the conservation and development of such resources by the departments and agencies of the state having responsibilities therefor. The plans and programs for the conservation and development of these resources may include implementation of a program to cost-share with local sponsors of water quality improvement projects.
5. Adequate implementation of such plans and programs shall be provided by the state through cost-sharing and cooperative participation with the appropriate federal and state departments and agencies and political subdivisions within the limitation of budgetary requirements and administrative capabilities, including consideration of cost-sharing for water quality improvement projects."

Page 6, remove lines 1 through 8

Page 7, after line 10, insert:

**"SECTION 12. AMENDMENT.** Section 2 of House Bill No. 1151, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

**SECTION 2.** A new section to chapter 61-02 of the North Dakota Century Code is created and enacted as follows:

**Devils Lake outlet - Eminent domain - Design and build construction.** In the construction of an outlet from Devils Lake, the commission:

1. Shall make a reasonable and diligent effort to acquire the property interests needed by negotiation. The commission is deemed to have made a reasonable and diligent effort if it has contacted or attempted to contact the owner of the property interest needed at least three times over a thirty-day period. If the commission is unable to acquire the interest needed by negotiation, then it may take possession of the interests needed after making a written offer to purchase and depositing the amount of the offer with the clerk of the district court of the county in which the property interest is located. The amount of the offer must be at least the average value per acre of comparable property. The clerk shall immediately notify the property owner in writing of the deposit. Within thirty days after receiving notice, the property owner may appeal to district court by serving notice of appeal upon the commission and the matter must be tried in the manner prescribed under chapter 32-15.
2. May issue, when it determines that it would be advantageous to the state or that it is necessary in order to construct the outlet in a timely manner, a request for proposals to design and build the outlet. The request for proposals must require that each proposal submitted contain a single price that includes the cost to design and build the outlet. Neither chapter 48-01.1 or 54-44.7, nor any other law requiring competitive bidding applies to the construction of the outlet if the commission determines to use the design and build procedure. The commission shall select the proposal that it determines is the most advantageous to the state.

**SECTION 13.** A new subsection to section 61-02-14 of the North Dakota Century Code is created and enacted as follows:

To consider cost-sharing for water quality improvement projects."

Page 7, line 21, replace "thirty-six" with "twenty"

Page 7, line 22, remove "three hundred thousand"

Page 8, line 12, replace "10" with "14"

Page 8, line 29, replace "\$36,300,000" with "\$20,000,000" and replace "11" with "14"

Page 9, line 3, after the period insert "Contracts for water projects to be paid from the water development trust fund may initially be issued up to an amount equal to seventy-five percent of the amount appropriated from that fund for projects. Contracts for the remaining twenty-five percent appropriated may only be issued to the extent uncommitted funds are available in the water development trust fund."

Page 9, line 12, replace "14" with "17"

Page 9, replace lines 13 through 18 with:

**"SECTION 19. TRANSFER.** Notwithstanding section 54-27-25, during the biennium beginning July 1, 2001, and ending June 30, 2003, the director of the office of management and budget may transfer \$9,733,820 from the water development trust fund to the general fund.

**SECTION 20.** Section 10 of chapter 535 of the 1999 Session Laws is amended and reenacted as follows:

**SECTION 10. STATEWIDE WATER DEVELOPMENT PROGRAM - LEGISLATIVE INTENT.** The state water commission shall develop a new comprehensive statewide water development program with priorities based upon expected funds available from the water development trust fund for water development projects. This program may include water quality improvement projects. It is the intent of the legislative assembly that the state water commission consider the delivery of water for usable purposes a priority for water development projects after the projects authorized in section 3 of this Act are completed."

Page 9, after line 24, insert:

**"SECTION 22. LEGISLATIVE INTENT - ADMINISTRATIVE EXPENSES.** It is the intent of the fifty-seventh legislative assembly that the water development trust fund not be used as a source of funding for state water commission administrative expenses after the 2001-03 biennium.

**SECTION 23. FARGO FLOOD CONTROL - REQUIREMENTS.** Except for planning, the state water commission may not issue bonds or provide funding for Fargo flood control projects until applicable permits are issued, southeast Cass water resource district has approved the project, and a public hearing process is held on the approved project plan. The total authorization consists of \$500,000 for expenses for preliminary study and planning of the project and \$5,000,000 for project construction expenses."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1023 - State Water Commission - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$8,966,759	\$9,066,759		\$9,066,759
Operating expenses	6,477,485	6,503,485	\$1,000,000	7,503,485
Equipment	514,833	499,833		499,833
Capital improvements	23,710,864	23,710,864	5,000,000	28,710,864
Grants	22,625,067	22,475,067		22,475,067
Cooperative research	3,050,000	3,050,000		3,050,000
Statewide water development projects	62,300,000	67,800,000		67,800,000
Total all funds	\$127,645,008	\$133,106,008	\$6,000,000	\$139,106,008
Less estimated income	<u>127,645,008</u>	<u>133,106,008</u>	<u>(3,733,820)</u>	<u>129,372,188</u>
General fund	\$0	\$0	\$9,733,820	\$9,733,820
FTE	83.00	84.00	0.00	84.00

**Dept. 770 - State Water Commission - Detail of Senate Changes**

CHANGE FUNDING FOR ADMINISTRATIVE	PROVIDE AUTHORIZATION FOR SOUTHWEST PIPELINE	TOTAL SENATE
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	EXPENSES <sup>1</sup>	PROJECT <sup>2</sup>	CHANGES
Salaries and wages			
Operating expenses		\$1,000,000	\$1,000,000
Equipment			
Capital improvements		5,000,000	5,000,000
Grants			
Cooperative research			
Statewide water development projects			
Total all funds	\$0	\$6,000,000	\$6,000,000
Less estimated income	<u>(9,733,820)</u>	<u>6,000,000</u>	<u>(3,733,820)</u>
General fund	\$9,733,820	\$0	\$9,733,820
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment transfers funding for administrative expenses of the State Water Commission from the water development trust fund to the general fund and provides for a transfer of funds from the water development trust fund to the general fund in the amount of \$9,733,820.

<sup>2</sup> Authorizes \$6 million of federal grant moneys to be used for construction of southwest pipeline.

Section 2 authorizes \$200,000 of funds already approved for water development projects for Section 319 of the Federal Water Pollution Control Act for control of nonpoint sources of pollution.

Section 9 of the engrossed bill relating to the tobacco settlement trust fund is removed as the expenses of the State Water Commission are to be paid from the general fund.

This amendment also requires the State Water Commission to offer at least the average value per acre of comparable property for property acquired under eminent domain for an outlet from Devils Lake (Section 12).

The amendment changes Section 14 and limits the capital bonding for water projects to \$20 million and requires in Section 16 that water projects funded from the water development trust fund cannot exceed 75 percent of the amount appropriated from the fund and the remaining 25 percent may be appropriated only to the extent funds are available in the water development trust fund.

In Section 19 a transfer is authorized from the water development trust fund to the general fund in the amount of \$9,733,820, the administrative expenses of the State Water Commission. The \$5,500,000 authorized for Fargo flood control projects includes \$500,000 for preliminary study and planning of the project and \$5,000,000 for construction of the project as provided for in Section 23.

Section 20 includes language that programs for the conservation and development of state water resources may include cost-sharing with local sponsors of water quality improvement projects.

Legislative intent is added that the water development trust fund not be used to fund administrative expenses of the State Water Commission in future bienniums (Section 22).

Section 23 is added requiring permits to be issued, approval from the Southeast Cass Water Resource District, and a public hearing process prior to issuance of bonds or funding being provided for Fargo flood control projects.

#### REPORT OF STANDING COMMITTEE

**HB 1196, as reengrossed and amended: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1196, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 760 and 761 of the Senate Journal, Reengrossed House Bill No. 1196 is amended as follows:

Page 1, line 1, after "Act" insert "to provide for the creation of a nursing facility nurses student loan grant program;" and remove "and a new chapter"

Page 1, line 2, remove "to title 43"

Page 1, line 3, remove "and the nursing facility nurses student loan payment program"

Page 1, line 9, remove "to provide for a transfer from the health"

Page 1, line 10, remove "care trust fund;"

Page 4, after line 3, insert:

**"SECTION 8. Nursing facility nurses student loan grant program.**

1. The state health council, in cooperation with the North Dakota long term care association, shall administer the nursing facility nurses student loan grant program. The purpose of the program is to provide matching funds to nursing facilities to assist the facilities in recruiting and retaining nurses. The state health council shall adopt rules necessary to administer the program, including rules establishing criteria regarding eligibility for and distribution of program grants.
2. An applicant for a program grant shall establish that the applicant:
  - a. Is a licensed nursing facility;
  - b. Has available matching funds equal to the amount of the grant request;
  - c. Has employed a nurse who has an outstanding student loan balance; and
  - d. Meets the eligibility criteria established by rule.
3. An eligible applicant may receive a program grant not exceeding five thousand five hundred dollars in the first year of the biennium. Any funds appropriated by the legislative assembly for the grant program which are remaining after the first year of the biennium may be distributed to eligible applicants in the second year of the biennium in any amount determined by the state health council."

Page 4, line 22, after the third "capacity" insert "licensed after July 1, 2001, as nursing facility capacity,"

Page 4, line 31, after "basic" insert "care" and after "capacity" insert "licensed after July 1, 2001, as nursing facility capacity,"

Page 5, line 3, overstrike "1999" and insert immediately thereafter "2001"

Page 5, line 4, overstrike "1999" and insert immediately thereafter "2001" and overstrike "2001" and insert immediately thereafter "2003"

Page 5, line 6, overstrike "1999" and insert immediately thereafter "2001" and overstrike "2001" and insert immediately thereafter "2003"

Page 5, line 11, after the second "capacity" insert "licensed after July 1, 2001, as nursing facility capacity,"

Page 5, remove lines 15 through 31

Page 6, remove lines 1 through 18

Page 7, line 9, overstrike "governmental" and insert immediately thereafter "government"

Page 8, line 21, overstrike ""Assisted living facility" has the meaning provided in section 50-24.5-01, but if the"

Page 8, overstrike lines 22 through 30

Page 9, overstrike lines 1 through 12

Page 9, line 13, remove "2."

Page 9, line 22, replace "3" with "2"

Page 9, line 23, replace "4" with "3"

Page 9, line 25, replace "5" with "4"



Page 11, line 10, overstrike "The department's share of the total"

Page 11, line 11, overstrike "cost of" and insert immediately thereafter "An approved loan for", remove "project", and overstrike "is limited to" and insert immediately thereafter "project may not exceed"

Page 14, line 5, after "government" insert "nursing"

Page 14, line 16, replace "\$8,899,774" with "\$13,000,000"

Page 14, line 19, replace "\$3,920,000 relates to" with ", up to \$4,960,000 may be used for"

Page 14, line 23, replace "\$4,100,000" with "\$4,000,000"

Page 14, line 26, replace "\$10,000" with "\$15,000"

Page 14, line 27, remove "by at least eight"

Page 14, remove line 28

Page 14, line 29, replace "facility bed capacity by fewer than eight beds" with ". An incentive may not be paid for nursing facility bed capacity that is temporarily converted to basic care bed capacity. The department shall establish rules that allow nursing facilities to make offers to reduce licensed nursing facility bed capacity on a quarterly basis beginning July 1, 2001. Any offer that meets the criteria of this section and is within legislative appropriations must be approved by the department. The department shall inform the facility making an offer within five business days of receiving the offer of the department's approval or disapproval of the offer"

Page 15, line 18, replace "\$681,846" with "\$1,165,303"

Page 15, line 19, replace "\$1,590,974" with "\$2,719,040"

Page 15, line 22, replace "1999" with "2000"

Page 15, line 24, after "**FACILITY**" insert "**AND INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED**"

Page 15, line 25, replace "\$266,400" with "\$309,600"

Page 15, line 26, replace "\$621,600" with "\$708,000"

Page 15, line 28, after "home" insert "and intermediate care for the mentally retarded"

Page 16, line 8, after "needs" insert "and the nursing facility payment system"

Page 16, line 10, after "assessment" insert "and nursing facility payment system"

Page 16, line 15, after "assessment" insert "and nursing facility payment system"

Page 16, line 16, replace "biennium" with "period" and replace "June 30" with "January 1"

Page 16, remove lines 17 through 19

Page 16, line 21, replace "**PAYMENT FUND - ADDITIONAL SPENDING**" with "**GRANT PROGRAM**"

Page 16, line 22, remove "**AUTHORITY - EMERGENCY COMMISSION APPROVAL**"

Page 16, line 23, replace "nursing facility nurses student loan payment" with "health care trust"

Page 16, line 24, replace "\$200,000" with "\$489,500"

Page 16, line 26, replace "payments" with "grants" and remove "The state"

Page 16, remove lines 27 through 30

Page 17, line 23, replace "\$150,000" with "\$250,000"

Page 19, line 1, replace "8" with "9" and replace "9" with "10"

Page 19, line 3, replace "34" with "33", replace "40" with "39", and replace "41" with "40"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1196 - Summary of Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
<b>State Department of Health</b>				
Total all funds	\$0	\$200,000	\$289,500	\$489,500
Less estimated income		<u>200,000</u>	<u>289,500</u>	<u>489,500</u>
General fund	\$0	\$0	\$0	\$0
<b>Department of Human Services - Management</b>				
Total all funds	\$0	\$8,055,347	\$0	\$8,055,347
Less estimated income		<u>8,055,347</u>		<u>8,055,347</u>
General fund	\$0	\$0	\$0	\$0
<b>Department of Human Services - Economic Assistance</b>				
Total all funds	\$0	\$84,721,181	\$5,741,349	\$90,462,530
Less estimated income		<u>73,071,181</u>	<u>5,741,349</u>	<u>78,812,530</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000
<b>Department of Human Services - Program and Policy</b>				
Total all funds	\$0	\$7,148,302	\$100,000	\$7,248,302
Less estimated income		<u>7,148,302</u>	<u>100,000</u>	<u>7,248,302</u>
General fund	\$0	\$0	\$0	\$0
<b>Bill Total</b>				
Total all funds	\$0	\$100,124,830	\$6,130,849	\$106,255,679
Less estimated income		<u>88,474,830</u>	<u>6,130,849</u>	<u>94,605,679</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000

**House Bill No. 1196 - State Department of Health - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
<b>Grants</b>				
Nursing facility nurses student loan payment		\$200,000	\$489,500 (200,000)	\$489,500
Total all funds	\$0	\$200,000	\$289,500	\$489,500
Less estimated income		<u>200,000</u>	<u>289,500</u>	<u>489,500</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Dept. 301 - State Department of Health - Detail of Senate Changes**

	CHANGE LOAN PAYMENT PROGRAM <sup>1</sup>	TOTAL SENATE CHANGES
Scholarship and loan repayment program	\$489,500	\$489,500
Nursing facility nurses student loan payment	(200,000)	(200,000)
Total all funds	\$289,500	\$289,500
Less estimated income	<u>289,500</u>	<u>289,500</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> The nursing facility nurses student loan payment program is changed from the state paying an eligible nursing facility nurse's student loan payment directly to the financial institution as proposed by the House to providing a grant of up to \$5,500 to an eligible nursing facility during the first year of the biennium for the facility to use for assisting in the repayment of nursing student loans. Each facility must provide an equal amount as matching. If appropriation authority remains available for the second year of the biennium, the State Health Council may provide additional matching grants to nursing facilities for the same purpose.

This amendment provides a \$489,500 appropriation from the health care trust fund for this program rather than transferring \$1,000,000 from the health care trust fund to a nursing facility nurses student loan payment fund and providing a \$200,000 appropriation from that fund as included in the House version.

## House Bill No. 1196 - Department of Human Services - Economic Assistance - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Government nursing facility funding pool payments		\$38,750,000		\$38,750,000
Intergovernmental transfer administration		71,158		71,158
Nursing facility grants		100,226		100,226
Nursing facility loans		8,899,774	\$4,100,226	13,000,000
Long-term care needs assessment		241,006		241,006
Nursing home bed reduction incentive		4,100,000	(100,000)	4,000,000
Nursing facility employee compensation		27,296,847		27,296,847
Basic care employee compensation		673,600		673,600
Nursing facility rate limit increase		2,272,820	1,611,523	3,884,343
Nursing facility personal care allowance		888,000	129,600	1,017,600
Basic care personal care allowance		180,000		180,000
Qualified service provider training grants		140,000		140,000
Targeted case management		<u>1,107,750</u>		<u>1,107,750</u>
Total all funds	\$0	\$84,721,181	\$5,741,349	\$90,462,530
Less estimated income		<u>73,071,181</u>	<u>5,741,349</u>	<u>78,812,530</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000
FTE	0.00	0.00	0.00	0.00

## Dept. 327 - Department of Human Services - Economic Assistance - Detail of Senate Changes

	INCREASE LOAN FUNDING <sup>1</sup>	REDUCE BED REDUCTION INCENTIVE FUNDING <sup>2</sup>	REBASE TO 2000 <sup>3</sup>	ALLOWANCE INCREASE FOR ICF/MR <sup>4</sup>	TOTAL SENATE CHANGES
Government nursing facility funding pool payments					
Intergovernmental transfer administration					
Nursing facility grants					
Nursing facility loans	\$4,100,226				\$4,100,226
Long-term care needs assessment					
Nursing home bed reduction incentive		(\$100,000)			(100,000)
Nursing facility employee compensation					
Basic care employee compensation					
Nursing facility rate limit increase			\$1,611,523		1,611,523
Nursing facility personal care allowance				\$129,600	129,600
Basic care personal care allowance					
Qualified service provider training grants					
Targeted case management					
Total all funds	\$4,100,226	(\$100,000)	\$1,611,523	\$129,600	\$5,741,349
Less estimated income	<u>4,100,226</u>	<u>(100,000)</u>	<u>1,611,523</u>	<u>129,600</u>	<u>5,741,349</u>
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> The funding provided for loans is increased to \$13 million from the health care trust fund.

<sup>2</sup> Funding for the nursing home bed reduction incentive program is reduced by \$100,000 from the health care trust fund.

The maximum payment allowed for reducing a bed is increased from \$10,000 to \$15,000 and provisions included in the House version that authorized a lower payment for reducing fewer than eight beds are removed.

Provisions are added providing that the department:

- May not pay an incentive to a nursing facility that is temporarily converting nursing facility bed capacity to basic care bed capacity.
- Shall allow for nursing facilities to make offers to reduce bed capacity each quarter and that the department must approve all offers that meet the program's criteria and are within available funding.
- Shall inform a nursing facility within five business days regarding the department's approval or disapproval of the facility's offer to reduce beds.

<sup>3</sup> Additional funding of \$483,457 is provided from the health care trust fund and \$1,128,066 of federal funds is provided to rebase nursing facility cost limits to 2000 rather than 1999 as included in the House version.

<sup>4</sup> Additional funding of \$43,200 is provided from the health care trust fund and \$86,400 of federal funds is provided to increase the personal care allowance for individuals residing in intermediate care facilities for the mentally retarded (ICF/MR) from \$40 to \$50 per month.

Provisions are added that:

- Require any basic care bed capacity that is being converted to nursing facility bed capacity to have been licensed as basic care after July 1, 2001.
- Change the dates on the moratorium on the expansion of long-term care bed capacity to reflect the 2001-03 biennium.
- Remove the definition of "assisted living facility" from North Dakota Century Code Chapter 50-30.
- Expand the long-term care needs assessment study to include the nursing facility payment system.

#### House Bill No. 1196 - Department of Human Services - Program and Policy - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Service payments for elderly and disabled		\$6,898,302		\$6,898,302
Senior citizen mill levy match		150,000	\$100,000	250,000
Independent living center grants		100,000		100,000
Total all funds	\$0	\$7,148,302	\$100,000	\$7,248,302
Less estimated income		<u>7,148,302</u>	<u>100,000</u>	<u>7,248,302</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

#### Dept. 328 - Department of Human Services - Program and Policy - Detail of Senate Changes

	INCREASE SENIOR MILL MATCH FUNDING	TOTAL SENATE CHANGES
Service payments for elderly and disabled		
Senior citizen mill levy match	\$100,000	\$100,000
Independent living center grants		
Total all funds	\$100,000	\$100,000
Less estimated income	<u>100,000</u>	<u>100,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

#### REPORT OF STANDING COMMITTEE

**HB 1399, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1399 was placed on the Sixth order on the calendar.**

Page 1, line 1, replace "section" with "sections" and after "57-38-30.3" insert "and 57-38-31.1"

Page 1, line 2, after "return" insert "and the filing of composite returns; to repeal section 57-38-34.1 of the North Dakota Century Code, relating to an optional card income tax return"

Page 1, line 17, remove "adjusted gross income and a federal"

Page 1, line 21, overstrike "This tax is", remove "two and seven-tenths", and overstrike "percent of the individual's, estate's, or"

Page 1, line 22, overstrike "trust's adjusted federal", remove "taxable", overstrike "income", remove "that is taxable to this state", and overstrike "for"

Page 1, line 23, overstrike "the taxable year" and replace "if the individual's, estate's, or trust's federal adjusted gross income" with:

- "a. The tax for an individual, estate, or trust is computed at the following rates:
  - (1) On North Dakota taxable income not in excess of forty thousand dollars, a tax of two and eight-tenths percent.
  - (2) On North Dakota taxable income in excess of forty thousand dollars, a tax of four and nine-tenths percent.
- b. The tax for married individuals filing a joint return is computed at the following rates:
  - (1) On North Dakota taxable income not in excess of eighty thousand dollars, a tax of two and eight-tenths percent.
  - (2) On North Dakota taxable income in excess of eighty thousand dollars, a tax of four and nine-tenths percent"

Page 1, remove line 24

Page 2, remove lines 1 through 6

Page 2, line 7, remove "wife filing a joint state income tax return"

Page 2, line 8, overstrike "The adjusted federal", remove "taxable", overstrike "income", remove "for purposes of this section", and overstrike "for a"

Page 2, line 9, overstrike "resident", remove "or nonresident", and overstrike "individual, estate, and trust must be determined by"

Page 2, line 11, remove "deducting the taxpayer's taxable", overstrike "income", remove "that is not", and overstrike "taxable to"

Page 2, line 12, overstrike "this state", remove "from", overstrike "the total", and remove "federal"

Page 2, line 13, remove "taxable" and overstrike "income as reported on the federal income tax return. To the extent they"

Page 2, line 14, overstrike "are included in the taxpayer's federal", remove "taxable", and overstrike "income, the following"

Page 2, line 15, overstrike "amounts must", remove "also", overstrike "be", and replace "deducted" with "For purposes of this section, "North Dakota taxable income" means the federal taxable income of an individual, estate, and trust as computed under the Internal Revenue Code of 1986, as amended, adjusted as follows"

Page 2, line 16, overstrike "Interest" and insert immediately thereafter "Reduced by interest"

Page 2, line 19, overstrike "The" and insert immediately thereafter "Reduced by the"

Page 2, line 25, overstrike "An" and insert immediately thereafter "Reduced by the"

Page 2, after line 27, insert:

- "d. Reduced by thirty percent of the excess of the taxpayer's net long-term capital gain for the taxable year over the net short-term capital loss for that year, as computed for purposes of the Internal Revenue Code of 1986, as amended.
- e. Increased by the amount of any interest and dividends from foreign securities and from securities of states and political subdivisions exempt from federal income tax, except that interest upon obligations of the state of North Dakota or any of its political subdivisions may not be included.

- f. Increased by the amount of a lump sum distribution for which income averaging was elected under section 402 of the Internal Revenue Code of 1986 [26 U.S.C. 402], as amended. This adjustment does not apply if the taxpayer receives the lump sum distribution while a nonresident of this state and the distribution is exempt from taxation by this state under federal law.
- g. Increased by an amount equal to the losses that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under chapter 57-35.3.
- h. For nonresidents, reduced by the taxable income that is not taxable to this state."

Page 4, line 21, after the overstruck period insert "Each adjustment in subsection 3, except subdivision h, may be allowed only to the extent the adjustment is attributable to income allocated and apportioned to this state."

Page 4, line 22, after the overstruck period insert "5." and overstrike "A husband and wife" and insert immediately thereafter "Married individuals"

Page 4, line 27, replace "5" with "6"

Page 5, line 4, overstrike "entire" and insert immediately thereafter "federal"

Page 5, line 6, replace "6" with "7"

Page 5, line 19, replace "7" with "8"

Page 5, line 25, replace "8" with "9"

Page 5, line 27, replace "9" with "10"

Page 5, replace lines 29 and 30 with:

- "11. A qualifying taxpayer is entitled to a tax credit of up to twenty-five percent of the tax liability computed under subsection 2, not to exceed two hundred thirty dollars or one hundred fifteen dollars for married individuals filing separate state income tax returns. For purposes of this subsection, a "qualifying taxpayer" means a taxpayer who, during the taxable year:
  - a. Paid property taxes under chapter 57-02 on property in this state;
  - b. Leased and paid rent for real property in this state; or
  - c. Paid mobile home tax under chapter 57-55 and lot rent for a mobile home in this state.
- 12. a. A taxpayer is entitled to a credit against the tax imposed by this section for any unused federal credit for prior year minimum tax. "Unused federal credit for prior year minimum tax" means the amount of the federal credit for prior year minimum tax attributable to federal alternative minimum tax included in the taxpayer's federal income tax liability for purposes of this section for taxable years beginning before January 1, 2001, reduced by the total amount of the federal credit for prior year minimum tax claimed on the taxpayer's federal income tax return for all taxable years beginning after December 31, 2000.
  - b. The credit is equal to fourteen percent of the portion of the unused federal credit for prior year minimum tax claimed on the taxpayer's federal income tax return and may not exceed the taxpayer's tax liability for the taxable year. For a nonresident taxpayer, the credit is limited to the ratio that the nonresident taxpayer's North Dakota adjusted gross income bears to the nonresident's federal adjusted gross income.
  - c. The credit under this subsection is not allowed for taxable years beginning after December 31, 2004.

13. a. At the election of an individual taxpayer engaged in a farming business, the tax imposed by subsection 2 of this section for the taxable year must be equal to the sum of the following:
- (1) The tax computed under subsection 2 on North Dakota taxable income reduced by elected farm income.
  - (2) The increase in tax imposed by subsection 2 which would result if North Dakota taxable income for each of the three prior taxable years were increased by an amount equal to one-third of the elected farm income. For purposes of applying this paragraph to taxable years beginning before January 1, 2001, the increase in tax must be determined by recomputing the tax in the manner prescribed by the tax commissioner.
- b. "Elected farm income" means that portion of North Dakota taxable income for the taxable year that is elected farm income as defined in section 1301 of the Internal Revenue Code [26 U.S.C. 1301].
- c. The reduction in North Dakota taxable income under this subsection must be taken into account for purposes of making an election under this subsection for any subsequent taxable year.
- d. The tax commissioner may prescribe rules, procedures, or guidelines necessary to administer this subsection.
14. The tax commissioner may prescribe tax tables to be used in lieu of computing the tax according to subsection 2 if the amounts of the computed tax are based on the tax rates set forth in subsection 2. If prescribed by the tax commissioner, the tables must be followed by every individual, estate, or trust electing to determine a tax under this section.

**SECTION 2. AMENDMENT.** Section 57-38-31.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-31.1. Composite returns.** Partnerships and subchapter S corporations may file a composite return on behalf of nonresidential individual partners or shareholders in the manner prescribed by the tax commissioner. Any amount of tax paid by the partnership or subchapter S corporation on the composite return on behalf of a nonresident partner or shareholder constitutes a credit on the North Dakota return of the nonresident individual on whose behalf the tax was paid by the partnership or subchapter S corporation. Any return filed by a partnership or subchapter S corporation under this section is considered as the return of the nonresident individual partner or shareholder on whose behalf the return is filed. The tax under this section must be computed by multiplying the aggregate of the shares of North Dakota taxable income reportable to North Dakota by the partners or shareholders included in the composite return by the ~~highest federal tax rate for individuals times the tax rate imposed under section 57-38-30.3~~ four and nine-tenths percent.

**SECTION 3. REPEAL.** Section 57-38-34.1 of the North Dakota Century Code is repealed."

Page 6, remove lines 1 through 9

Re-number accordingly.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2034, as engrossed:** Your conference committee (Sens. Traynor, Watne, C. Nelson and Reps. Maragos, Wrangham, Delmore) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1029-1030 and place SB 2034 on the Seventh order.

Engrossed SB 2034 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2082:** Your conference committee (Sens. Kilzer, Dever, C. Nelson and Reps. Klemin, Haas, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 814, adopt amendments as follows, and place SB 2082 on the Seventh order:

That the House recede from its amendments as printed on page 814 of the Senate Journal and page 873 of the House Journal and that Senate Bill No. 2082 be amended as follows:

Page 7, line 17, after "board" insert "on a third-party blind list basis"

Page 7, after line 18, insert:

"8. The member's spouse or former spouse, that individual's legal representative, and the judge presiding over the member's dissolution proceeding for purposes of aiding the parties in drafting a qualified domestic relations order under section 54-52-17.6. The information disclosed under this subsection must be limited to information necessary for drafting the order."

Renumber accordingly

SB 2082 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2118, as engrossed:** Your conference committee (Sens. Dever, Lyson, C. Nelson and Reps. Wrangham, Kretschmar, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 833, adopt amendments as follows, and place SB 2118 on the Seventh order:

That the House recede from its amendments as printed on page 833 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2118 be amended as follows:

Page 1, line 6, remove the overstrike over "~~A person who is convicted of a felony and sentenced to imprisonment for not more~~"

Page 1, line 7, remove the overstrike over "~~than one year is deemed to have been convicted of a misdemeanor~~"

Page 1, line 9, after "~~sentence~~" insert ". However, if an order is entered revoking a probation imposed as a part of the sentence, the person is deemed to have been convicted of a felony", remove the overstrike over the period, and remove "Upon successful completion of the term of"

Page 1, remove lines 10 through 23

Page 2, line 1, remove "that probation."

Page 2, line 2, after "subdivision" insert "a," and after "b" insert an underscored comma

Renumber accordingly

Engrossed SB 2118 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SCR 4020, as engrossed:** Your conference committee (Sens. Wardner, Dever, T. Mathern and Reps. Devlin, Brusegaard, Hunskor) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 872--873 and place SCR 4020 on the Seventh order.

Engrossed SCR 4020 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1245:** Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reps. Pollert, Dosch, Thorpe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1025 and place HB 1245 on the Seventh order.

HB 1245 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1267, as engrossed:** Your conference committee (Sens. Lyson, Watne, C. Nelson and Reps. DeKrey, Kretschmar, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1097, adopt amendments as follows, and place HB 1267 on the Seventh order:



That the Senate recede from its amendments as printed on page 1097 of the House Journal and page 908 of the Senate Journal and that Engrossed House Bill No. 1267 be amended as follows:

Page 2, line 3, replace "this" with "section 1 of this Act, section 27-20-51, or section 27-20-52"

Page 2, line 4, remove "chapter" and after "eighteen" insert "or no longer attends the school, whichever occurs later"

Page 3, line 20, remove the overstrike over "~~Following an adjudication of delinquency for an offense that would be a felony if~~"

Page 3, remove the overstrike over lines 21 and 22

Page 3, line 23, remove the overstrike over "~~the disposition order.~~", replace "Juvenile" with "Any other juvenile", and after records insert "of a child"

Page 3, line 25, after "enroll" insert "if the child appears to present a danger to self or to the students or staff of the school"

Renumber accordingly

Engrossed HB 1267 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1457:** Your conference committee (Sens. Krebsbach, Tollefson, Every and Reps. Ruby, Severson, Lemieux) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1001, adopt amendments as follows, and place HB 1457 on the Seventh order:

That the Senate recede from its amendments as printed on page 1001 of the House Journal and page 838 of the Senate Journal and that House Bill No. 1457 be amended as follows:

Page 1, line 17, overstrike "The landlord"

Page 1, overstrike line 18

Page 1, line 19, overstrike "working condition, on taking occupancy", remove ". If", overstrike "that is the case", remove the overstrike over "~~The~~", and remove ", the"

Renumber accordingly

HB 1457 was placed on the Seventh order of business on the calendar.

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

**WILLIAM R. HORTON, Secretary**

