

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, February 18, 2003

The House convened at 1:00 p.m., with Speaker Wentz presiding.

The prayer was offered by Chaplain Burnie Kunz, Medcenter One, Bismarck.

The roll was called and all members were present except Representative Ruby.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to HB 1180, HB 1197, HB 1198, HB 1219, HB 1308, HB 1359, HB 1362, HB 1402, HB 1403, HB 1454, HB 1456, HB 1488, HB 1490, HB 1493, HCR 3041 and HCR 3051 be adopted, which motion prevailed.

HCR 3041 and HCR 3051, as amended, were placed on the Tenth order of business on the calendar.

HB 1180, HB 1197, HB 1198, HB 1219, HB 1308, HB 1359, HB 1362, HB 1402, HB 1403, HB 1454, HB 1456, HB 1488, HB 1490 and HB 1493, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. BERG MOVED that HB 1038, HB 1500 and HB 1431 be laid over one legislative day, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1241 and HB 1207 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1388: A BILL for an Act to create and enact chapters 51-27 and 51-28 of the North Dakota Century Code, relating to internet privacy and commercial electronic mail solicitation; and to provide an expiration date.

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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Brusegaard; Grosz; Iverson; Thoreson

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1388 passed and the title was agreed to.

MOTION

REP. BERG MOVED that HB 1426 be moved to the bottom of the calendar, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1434 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1469: 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 eligibility for medical assistance; and to amend and reenact section 50-24.1-02.5 of the North Dakota Century Code, relating to eligibility for medical assistance.

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 86 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Tieman; Timm; Uglem; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Delzer; Kasper; Kretschmar; Thoreson; Thorpe; Wald; Warnke

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1469 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1477: A BILL for an Act to create and enact a new section to chapter 10-04 of the North Dakota Century Code, relating to securities privacy of information.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Kingsbury; Ruby

Engrossed HB 1477 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1501: A BILL for an Act to amend and reenact section 20.1-01-21 of the North Dakota Century Code, relating to hunting near occupied buildings.

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 3 YEAS, 90 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Kempenich; Klein, F.; Rennerfeldt

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1501 lost.

SECOND READING OF HOUSE BILL

HB 1043: A BILL for an Act to amend and reenact subsection 4 of section 54-59-05 and sections 54-59-07, 54-59-11, and 54-59-14 of the North Dakota Century Code, relating to forms management, the state information technology advisory committee, the powers and duties of the information technology department, information technology plans, and the information technology operating account.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1043 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1045: A BILL for an Act to amend and reenact sections 14-07.1-05.1, 14-09-06.3, 14-09-06.4, 14-17-15, 25-03.1-13, and 25-03.3-09 of the North Dakota Century Code, relating to indigent defense costs for mental illness commitment proceedings, civil commitment of sexual predators, and for guardian ad litem services; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 93 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner;

Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser;
Speaker Wentz

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1045 lost.

SECOND READING OF HOUSE BILL

HB 1050: A BILL for an Act to create and enact sections 20.1-03-36.1, 20.1-03-36.2, 20.1-03-38, 20.1-03-39, and 20.1-03-40 of the North Dakota Century Code, relating to the licensing of guides and outfitters; to amend and reenact sections 20.1-01-02, 20.1-02-05, 20.1-03-11.2, 20.1-03-12, 20.1-03-36, and 20.1-03-37 of the North Dakota Century Code, relating to guides and outfitters; to provide a penalty; to provide for application; and to provide an effective date.

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 74 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Amerman; Bellew; Boe; Brusegaard; Delzer; Devlin; Froelich; Froseth; Grosz; Kerzman; Monson; Niemeier; Rennerfeldt; Sandvig; Skarphol; Timm; Wald; Warner; Wrangham

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1050 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1274: A BILL for an Act to amend and reenact section 53-06.1-07.2 of the North Dakota Century Code, relating to conduct of poker under the games of chance laws.

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 51 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boehning; Brusegaard; Carlisle; Delmore; Dosch; Eckre; Ekstrom; Froelich; Glassheim; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Klein, F.; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Porter; Potter; Sandvig; Severson; Thoreson; Timm; Wald; Warner; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boucher; Carlson; Clark; DeKrey; Delzer; Devlin; Drovdal; Froseth; Galvin; Grande; Guleson; Hunskor; Keiser; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Niemeier; Pietsch; Pollert; Price; Rennerfeldt; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Weisz; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1274 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1352: A BILL for an Act to create and enact a new section to chapter 19-20.2 and a new section to chapter 32-03 of the North Dakota Century Code, relating to adoption of rules regarding the security of anhydrous ammonia nurse tanks and immunity for theft of anhydrous ammonia.

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 66 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boehning; Boucher; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froelich; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Tieman; Warnke; Weiler; Wieland; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Amerman; Bellew; Belter; Boe; Brusegaard; Carlson; Delzer; Drovdal; Froseth; Galvin; Guleson; Hunskor; Kempenich; Klein, F.; Kreidt; Kretschmar; Onstad; Pollert; Skarphol; Thorpe; Timm; Uglem; Wald; Warner; Weisz; Wikenheiser; Wrangham

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1352 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act establishing the state's energy policy.

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 13 YEAS, 78 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Devlin; Glassheim; Haas; Herbel; Klein, M.; Kreidt; Price; Schmidt; Thorpe; Tieman; Wikenheiser; Zaiser; Speaker Wentz

NAYS: Aarsvold; Amerman; Bellew; Belter; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Galvin; Grande; Grosz; Guleson; Hanson; Hawken; Headland; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham

ABSENT AND NOT VOTING: Berg; Boe; Ruby

Engrossed HB 1412 lost.

SECOND READING OF HOUSE BILL

HB 1418: A BILL for an Act to provide for leave for veterans on veterans' day.

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 30 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Ekstrom; Froelich; Glassheim; Grande; Guleson; Haas; Hanson; Hunskor; Kelsch, S.; Kerzman; Klein, M.; Kretschmar; Kroeber; Maragos; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grosz; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klemin; Koppelman; Kreidt; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1418 lost.

SECOND READING OF HOUSE BILL

HB 1423: A BILL for an Act to amend and reenact section 54-34.3-13 of the North Dakota Century Code, relating to rural growth incentive program grants and loans by the department of commerce; and to provide an expiration date.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Galvin; Price; Ruby

Engrossed HB 1423 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to amend and reenact section 54-52.4-03 of the North Dakota Century Code, relating to the use of sick leave by state employees to care for a parent, spouse, or child.

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 40 YEAS, 53 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Carlisle; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Gulleston; Hanson; Hawken; Hunsakor; Kelsh, S.; Kerzman; Klein, F.; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Potter; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Warner; Weiler; Wieland; Williams; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlson; Clark; DeKrey; Delzer; Devlin; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Nicholas; Norland; Pietsch; Pollert; Porter; Price; Rennerfeldt; Severson; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weisz; Wikenheiser; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

Engrossed HB 1474 lost.

SECOND READING OF HOUSE BILL

HB 1491: A BILL for an Act to amend and reenact sections 11-33-02, 40-47-02, and 58-03-11 of the North Dakota Century Code, relating to zoning of transitional living centers.

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 4 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Ekstrom; Kelsh, S.; Onstad; Winrich

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Boucher; Ruby

Engrossed HB 1491 lost.

MOTION

REP. BERG MOVED that HB 1431 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1431 was rereferred.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3010: A concurrent resolution urging Congress to require the United States Department of Agriculture Forest Service to implement a management plan that supports the right of North Dakota ranchers to graze their traditional numbers of livestock in the national grasslands and that allows the mineral resources within the national grasslands to be developed in a reasonable manner.

HCR 3023: A concurrent resolution directing the Legislative Council to study the desirability and feasibility of establishing a regional dental school in North Dakota within the North Dakota University System and in conjunction with the school of dentistry at the University of Minnesota.

HCR 3027: A concurrent resolution urging the Superintendent of Public Instruction, all North Dakota school district superintendents, and the boards of all North Dakota school districts to work with local, state, and federal military and veterans organizations to observe and promote Veterans Day by developing and disseminating to students in the elementary and secondary schools of this state educational materials that strengthen students' awareness of the contributions and sacrifices made by veterans so that freedom can be enjoyed by everyone.

HCR 3028: A concurrent resolution urging Congress to increase Medicare reimbursement for health care providers, to use an appropriate amount of the federal budget to equalize Medicare rates within North Dakota and within the nation, and to increase funding of the Medicare ambulance reimbursement fee schedule.

HCR 3004: A concurrent resolution directing the Legislative Council to study the state's method of providing legal representation for indigent persons and the feasibility and desirability of establishing a public defender system.

HCR 3015: A concurrent resolution expressing the legislative assembly's support for construction of the northwest area water supply project and delivery of water to eastern North Dakota.

HCR 3021: A concurrent resolution urging the United States Department of Agriculture not to preempt states' rights to regulate grain merchandising activities at grain warehouses that are licensed under the United States Warehouse Act, and further urging Congress

to take corrective action if the United States Department of Agriculture is unwilling or unable to take corrective action.

HCR 3024: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a school of veterinary science within the North Dakota University System.

HCR 3025: A concurrent resolution urging Congress to make immediate changes in those Medicare policies that discriminate against senior citizens who reside in rural states and to implement national benefit and service provider policies that are more uniform in their application.

HCR 3031: A concurrent resolution urging North Dakota State University to host the Center for Genetic Research and become a national and international leader in biotechnology research.

HCR 3032: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of converting vacant public school buildings in rural areas into methamphetamine detoxification and treatment facilities.

HCR 3033: A concurrent resolution directing the Legislative Council to study North Dakota Century Code Chapters 37-01 through 37-11 to revise references to the militia and the National Guard.

HCR 3035: A concurrent resolution proclaiming March 16, 2003, as Liberty Day.

HCR 3042: A concurrent resolution expressing the Legislative Assembly's support and endorsement for the Northwest Venture Communities, Inc., project to reduce poverty and improve the quality of life in North Dakota.

HCR 3050: A concurrent resolution directing the Legislative Council to study the equity of the current system for awarding workers' compensation death benefits and the feasibility and desirability of creating a death benefit investment system.

The question being on the final adoption of the resolutions, which have been read.

HCR 3004, HCR 3010, HCR 3015, HCR 3021, HCR 3023, HCR 3024, HCR 3025, HCR 3027, HCR 3028, HCR 3031, HCR 3032, HCR 3033, HCR 3035, HCR 3042, and HCR 3050 passed on a voice vote, and the titles were agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3026: A concurrent resolution directing the Legislative Council to study the use of E85 fuel by the state.

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

HCR 3026 passed on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3034: A concurrent resolution directing the Legislative Council to study the civil commitment laws of North Dakota, chapter 25-03.1, court decisions concerning civil commitment, and the civil commitment laws of the other states.

HCR 3036: A concurrent resolution urging Congress to enact legislation for the economic recovery of North Dakota's Missouri River corridor.

HCR 3037: A concurrent resolution directing the Legislative Council to study the state's criminal justice process from arrest to release, including the cost-effectiveness and efficiency of incarcerating large numbers of inmates in a large facility, the use of electronic monitoring as an alternative to incarceration, and the effectiveness of sentencing laws, incarceration, and treatment.

HCR 3040: A concurrent resolution urging the President of the United States, the Secretary of the Army, and the United States Army Corps of Engineers to adopt and implement an updated Missouri River Master Water Control Manual that gives fair consideration to the

substantial recreation values present on Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota.

HCR 3048: A concurrent resolution celebrating the one-hundredth anniversary of Theodore Roosevelt's election as President of the United States.

The question being on the final adoption of the resolutions, which have been read.

HCR 3034, HCR 3036, HCR 3037, HCR 3040, and HCR 3048 passed on a voice vote, and the titles were agreed to.

MOTION

REP. BERG MOVED that HB 1218 be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1218 was rereferred.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution urging the State Historical Society of North Dakota to rethink and amend the proposed unmarketable name of the state visitor center at the confluence of the Yellowstone and Missouri Rivers.

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

HCR 3047 passed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to guides and outfitters.

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 42 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; DeKrey; Delmore; Dosch; Drovdal; Eckre; Glassheim; Hanson; Headland; Herbel; Hunskor; Kasper; Klemin; Kretschmar; Kroeber; Maragos; Meier; Metcalf; Mueller; Onstad; Pietsch; Pollert; Porter; Potter; Sandvig; Sitte; Svedjan; Thorpe; Uglen; Warner; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser

NAYS: Amerman; Bellew; Belter; Carlson; Clark; Delzer; Devlin; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Gulleston; Haas; Hawken; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kreidt; Martinson; Monson; Nelson; Nicholas; Niemeier; Norland; Nottestad; Price; Rennerfeldt; Schmidt; Severson; Skarphol; Solberg; Thoreson; Tieman; Timm; Wald; Warnke; Wikenheiser; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Brusegaard; Ruby

HB 1048 lost.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to provide an appropriation to the department of human services for nursing facility medical assistance payments; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.;

Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

HB 1200 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for transfers of vehicles from certain trusts; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

HB 1205 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1242: A BILL for an Act to create and enact a new section to chapter 12.1-16 and a new section to Chapter 43-17 of the North Dakota Century Code, relating to the protection of a preborn child and the duty of physicians; and to provide a penalty.

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 13 YEAS, 79 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Carlson; Delzer; Galvin; Hunskor; Kasper; Klein, F.; Metcalf; Rennerfeldt; Sandvig; Sitte; Thoreson

NAYS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Ruby; Wald

HB 1242 lost.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for employers for contributions or support for child care programs for dependents of employees; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 47 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Clark; Delmore; Dosch; Eckre; Ekstrom; Froelich; Glassheim; Guleson; Haas; Hanson; Hawken; Hunskor; Iverson; Johnson, N.; Kelsch, R.; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Porter; Potter; Sandvig; Schmidt; Solberg; Thoreson; Thorpe; Tieman; Warner; Warnke; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; DeKrey; Delzer; Devlin; Drovdal; Froseth; Galvin; Grande; Grosz; Headland; Herbel; Johnson, D.; Kasper; Keiser; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Monson; Nelson; Pietsch; Pollert; Rennerfeldt; Severson; Sitte; Skarphol; Svedjan; Timm; Uglem; Wald; Weiler; Weisz; Wieland; Wikenheiser; Wrangham

ABSENT AND NOT VOTING: Price; Ruby

HB 1289 lost.

SECOND READING OF HOUSE BILL

HB 1290: A BILL for an Act to create and enact sections 26.1-39-17.1 and 26.1-40-11.2 of the North Dakota Century Code, relating to use of credit information for property and casualty insurance and automobile insurance.

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 2 YEAS, 88 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Metcalf; Mueller

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Boucher; Niemeier; Price; Ruby

HB 1290 lost.

SECOND READING OF HOUSE BILL

HB 1365: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to group deer hunting.

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 26 YEAS, 66 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Bernstein; Boe; Boucher; Delmore; Froelich; Glassheim; Grande; Gulleson; Johnson, N.; Kerzman; Klein, M.; Maragos; Onstad; Potter; Severson; Skarphol; Thorpe; Timm; Wald; Warnke; Weisz; Winrich; Wrangham

NAYS: Belter; Berg; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Tieman; Uglem; Warner; Weiler; Wieland; Wikenheiser; Williams; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Niemeier; Ruby

HB 1365 lost.

SECOND READING OF HOUSE BILL

HB 1428: A BILL for an Act to create and enact a new section to chapter 40-51.2 of the North Dakota Century Code, relating to annexation of territory by a city and school district boundary changes.

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 13 YEAS, 78 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bernstein; Brusegaard; Carlson; Clark; Delmore; Grande; Grosz; Hawken; Kasper; Kelsh, S.; Thoreson; Warnke; Zaiser

NAYS: Aarsvold; Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlisle; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleson; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Berg; Ruby; Solberg

HB 1428 lost.

SECOND READING OF HOUSE BILL

HB 1440: A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to leasing land enrolled in the conservation reserve program for game and fish purposes; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 80 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Froelich; Gulleson; Hanson; Kelsh, S.; Niemeier; Potter; Schmidt; Thorpe; Winrich

NAYS: Aarsvold; Bellew; Belter; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig;

Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Berg; Ruby; Solberg; Weisz

HB 1440 lost.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to provide the burden of proof in actions for certain credit card charges.

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 35 YEAS, 57 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Grande; Gulleston; Hanson; Hawken; Hunskor; Kasper; Kelsh, S.; Kerzman; Koppelman; Kroeber; Meier; Metcalf; Mueller; Niemeier; Onstad; Pollert; Potter; Price; Schmidt; Solberg; Thoreson; Thorpe; Warner; Weiler; Winrich; Wrangham; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Drovda; Eckre; Froseth; Galvin; Grosz; Haas; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kreidt; Kretschmar; Maragos; Martinson; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Porter; Rennerfeldt; Sandvig; Severson; Sitte; Skarphol; Svedjan; Tieman; Timm; Uglem; Wald; Warnke; Wieland; Wikenheiser; Williams; Speaker Wentz

ABSENT AND NOT VOTING: Ruby; Weisz

HB 1445 lost.

MOTION

REP. BERG MOVED that HB 1452 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to amend and reenact subsection 2 of section 32-28-02 of the North Dakota Century Code, relating to exceptions from the requirement to publish notice of a change of name.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser

ABSENT AND NOT VOTING: Ruby; Wald; Weisz; Speaker Wentz

HB 1461 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1479: A BILL for an Act to amend and reenact sections 54-27.2-02 and 54-44.1-12 of the North Dakota Century Code, relating to deposits in the budget stabilization fund and budget allotments.

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 27 YEAS, 66 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hunsakor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

HB 1479 lost.

SECOND READING OF HOUSE BILL

HB 1484: A BILL for an Act to amend and reenact section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 89 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boe; Froelich; Kerzman; Solberg

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

HB 1484 lost.

SECOND READING OF HOUSE BILL

HB 1485: A BILL for an Act to create and enact a new section to chapter 10-04 of the North Dakota Century Code, relating to securities privacy of nonpublic personal information; and to amend and reenact section 26.1-02-27 of the North Dakota Century Code, relating to insurance privacy of nonpublic personal information.

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 15 YEAS, 77 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Ekstrom; Glassheim; Gulleson; Kelsh, S.; Kerzman; Niemeier; Onstad; Schmidt; Solberg; Thorpe; Warner; Winrich

NAYS: Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Froelich; Ruby

HB 1485 lost.

MOTION

REP. NELSON MOVED that the House reconsider its action whereby HB 1281 failed to pass, which motion lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1499: A BILL for an Act to amend and reenact sections 57-39.2-04.1 and 57-40.2-04.1 of the North Dakota Century Code, relating to imposition of sales and use taxes on certain prepared foods; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 75 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Eckre; Froelich; Glassheim; Keiser; Kingsbury; Klein, M.; Maragos; Metcalf; Monson; Mueller; Potter; Price; Severson; Tieman; Warnke; Wieland; Williams; Speaker Wentz

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Zaiser

ABSENT AND NOT VOTING: Ruby

HB 1499 lost.

MOTION

REP. KOPPELMAN MOVED that the House reconsider its action whereby HB 1450 failed to pass, which motion lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1502: A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to notices by private investigative services.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 93 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad;

Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

HB 1502 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

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

HCR 3001 passed and the title was agreed to on a verification vote.

POINT OF PERSONAL PRIVILEGE

REP. CARLISLE: Madam Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

REQUEST

REP. CARLISLE REQUESTED that his remarks be printed in the Journal, which request was granted.

Madam Speaker: On Monday, January 13, 2003, the House Appropriations Committee Government Operations Division held a hearing on the community services block grant moneys anticipated by the Department of Commerce during the period beginning October 1, 2003, and ending September 30, 2005. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the House Appropriations Committee Government Operations Division during the block grant hearing, the House Appropriations Committee Clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the Department of Commerce includes the legislative action regarding the use of the federal block grant funds.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3005: A concurrent resolution for the amendment of section 17 of article XI of the Constitution of North Dakota, relating to the organization of the state's military forces; to repeal sections 16, 18, 19, 20, and 21 of article XI of the Constitution of North Dakota, relating to the organization, membership requirements, and appointment of officers of the state's militia and privilege from arrest during periods of military service; and to provide an effective date.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Nicholas; Ruby

HCR 3005 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution urging the Congress of the United States to pass legislation that will allow United States citizens to freely travel to the Republic of Cuba.

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

HCR 3019 passed on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution directing the Legislative Council to study the problems associated with credit card companies marketing credit cards to college students.

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

HCR 3029 was declared lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1487: A BILL for an Act to provide for privacy of health information; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 81 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boe; Boucher; Clark; DeKrey; Glassheim; Kerzman; Niemeier; Sandvig; Thorpe; Warner; Zaiser

NAYS: Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

HB 1487 lost.

SECOND READING OF HOUSE BILL

HB 1503: A BILL for an Act to create and enact a new section to chapter 36-11 of the North Dakota Century Code, relating to livestock; and to amend and reenact sections 36-11-01, 36-11-07, 36-11-09, 36-11-10, 36-11-11, 36-11-12, 36-11-13, 36-11-14, 36-11-15, 36-11-16, 36-11-17, 36-11-18, 36-11-19, and 36-11-20 of the North Dakota Century Code, relating to livestock running at large.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier;

Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Ruby

HB 1503 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3039: A concurrent resolution strongly encouraging appropriate state officials to take aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, especially the Northwest Area Water Supply Project.

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

HCR 3039 passed and the title was agreed to on a verification vote.

SECOND READING OF HOUSE BILL

HB 1308: A BILL for an Act to amend and reenact sections 54-16-04.1 and 54-16-04.2 of the North Dakota Century Code, relating to acceptance of grants by state entities.

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 30 YEAS, 60 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Gulleston; Hanson; Hawken; Hunsakor; Johnson, N.; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Nelson; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Headland; Herbel; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Rennerfeldt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wikenheiser; Williams; Speaker Wentz

ABSENT AND NOT VOTING: Price; Ruby; Wieland; Wrangham

Engrossed HB 1308 lost.

SECOND READING OF HOUSE BILL

HB 1478: A BILL for an Act to create and enact two new sections to chapter 6-08.1 of the North Dakota Century Code, relating to disclosure of financial information; and to amend and reenact sections 6-08.1-01 and 6-08.1-02 of the North Dakota Century Code, relating to financial institution customer privacy definitions and exceptions.

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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier;

Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Clark; Skarphol

ABSENT AND NOT VOTING: Price; Ruby; Wieland

HB 1478, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1426: A BILL for an Act to provide for the creation of commerce authorities; and to create and enact a new subsection to section 57-15-06.7, a new subsection to section 57-15-10, a new subsection to section 57-15-20.2, and a new section to chapter 57-15 of the North Dakota Century Code, relating to tax levies for commerce authorities; and to provide an effective date.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: DeKrey; Price; Ruby

Engrossed HB 1426 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to amend and reenact sections 6-08.1-01 and 6-08.1-02 of the North Dakota Century Code, relating to financial institution customer privacy definitions and exceptions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 85 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Delmore; Gulleon; Zaiser

NAYS: Aarsvold; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; Keiser; Price; Ruby; Wieland

HB 1038 lost.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to create and enact three new sections to chapter 54-44.4 of the North Dakota Century Code, relating to competitive sealed bid proposals, small purchases, and protested solicitations and awards; and to amend and reenact sections 54-44.4-01, 54-44.4-02, subsections 1 and 2 of section 54-44.4-05, section 54-44.4-06, and subsections 1, 2, and 4 of section 54-44.4-09 of the North Dakota Century Code, relating to purchasing policy, purchasing by the office of management and budget, solicitation criteria, exempt records, limited competitive and noncompetitive purchases, multistep sealed bids, and vendor registration.

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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; Hunskor; Keiser; Price; Ruby; Wieland

HB 1180 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to create and enact a new chapter to title 60 of the North Dakota Century Code, relating to the creation of a credit-sale contract indemnity fund; to amend and reenact sections 60-02.1-28, 60-02.1-30, 60-04-02, and 60-04-03.1 of the North Dakota Century Code, relating to insolvencies of grain buyers and warehousemen; 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 87 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Rennerfeldt

ABSENT AND NOT VOTING: Carlson; Keiser; Price; Ruby; Wald; Wieland

Engrossed HB 1197 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property tax assessment and classification purposes; and to provide an effective date.

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 51 YEAS, 37 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bernstein; Boe; Boehning; Boucher; DeKrey; Delmore; Devlin; Eckre; Ekstrom; Froelich; Gullerson; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Koppelman; Kreidt; Kroeber; Maragos; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pollert; Potter; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thorpe; Uglem; Warnke; Weisz; Williams; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Brusegaard; Carlisle; Clark; Delzer; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Iverson; Johnson, N.; Kasper; Kelsch, R.; Klein, F.; Klemin; Kretschmar; Martinson; Meier; Nottestad; Pietsch; Porter; Rennerfeldt; Sitte; Thoreson; Tieman; Timm; Wald; Warner; Weiler; Wikenheiser; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; Glassheim; Keiser; Price; Ruby; Wieland

Engrossed HB 1219 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3037.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2032, SB 2175, SB 2193, SB 2208, SB 2237, SB 2251, SB 2277, SB 2278, SB 2305, SB 2319, SB 2342, SB 2363, SB 2415, SCR 4011, SCR 4014, SCR 4019, SCR 4024, SCR 4025, SCR 4028.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Kretschmar, Maragos, Winrich and Sens. Mathern, O'Connell, Traynor introduced:

HCR 3057: A concurrent resolution for the amendment of sections 8 and 13 of article IV of the Constitution of North Dakota, relating to election of presiding officers of the legislative assembly and legislative procedures; and to repeal section 12 of article V and section 13 of article XI of the Constitution of North Dakota, relating to duties of the lieutenant governor and impeachment proceedings.

Was read the first time and referred to the **Joint Constitutional Revision Committee.**

Reps. Kretschmar, Hawken, Nicholas and Sens. Espgaard, Nething, Tallackson introduced:

HCR 3058: A concurrent resolution to create and enact two new sections to article V of the Constitution of North Dakota, relating to organization of the executive branch and a state planning council.

Was read the first time and referred to the **Joint Constitutional Revision Committee.**

Reps. Koppelman, DeKrey, Grande, S. Kelsh, Maragos and Sen. Dever introduced:

HCR 3059: A concurrent resolution directing the Legislative Council to study small claims court.

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

Reps. Weiler, Berg, Dosch introduced:

HCR 3060: A concurrent resolution directing the Legislative Council to study the state's unemployment compensation system, including reserve guidelines for the unemployment trust fund, the system for ratesetting, treatment of positive balance and negative balance employers, and the feasibility and desirability of creating an unemployment compensation board.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

Rep. Carlson and Sen. Robinson introduced:

HCR 3061: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of enacting legislation to replace the existing electric utility property tax system with a fair and uniform replacement tax system for electric utility property.

Was read the first time and referred to the **Finance and Taxation Committee.**

Rep. Sandvig introduced:

HCR 3062: A concurrent resolution directing the Legislative Council to study vulnerable adult abuse and neglect with an emphasis on whether certain individuals should be required to report suspected incidents of vulnerable adult abuse and neglect.

Was read the first time and referred to the **Human Services Committee**.

Rep. S. Kelsh introduced:

HCR 3063: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing an exchange program for emerging leaders.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Mueller, Delmore, Gulleson, Maragos and Sens. Espegard, Fischer introduced:

HCR 3064: A concurrent resolution directing the Legislative Council to study the use of remote-controlled locomotives and related safety and security.

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

Rep. Boucher introduced:

HCR 3065: A concurrent resolution directing the Legislative Council to study whether water resource district board members or water managers should be elected rather than appointed.

Was read the first time and referred to the **Natural Resources Committee**.

Rep. Sandvig introduced:

HCR 3066: A concurrent resolution directing the Legislative Council to study ways to coordinate public funding for employment-based health insurance for low-income and modest-income children and working families.

Was read the first time and referred to the **Human Services Committee**.

Reps. Eckre, Meier, Timm and Sens. Christmann, Fischer, Trenbeath introduced:

HCR 3067: A concurrent resolution to create and enact a new section to article I of the Constitution of North Dakota, relating to discrimination and preferential treatment based on sex, race, color, ethnicity, or national origin.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

Reps. Niemeier, Boucher, Kerzman, Potter and Sen. Christenson introduced:

HCR 3068: A concurrent resolution directing the Legislative Council to study the state's children's health insurance program and the medical assistance program and the most efficient manner of implementing these programs.

Was read the first time and referred to the **Human Services Committee**.

Reps. Carlson, Belter, Devlin and Sens. Flakoll, O'Connell, Wardner introduced:

HCR 3069: A concurrent resolution for the amendment of section 2 of article III of the Constitution of North Dakota, relating to granting the legislative assembly the authority to provide a procedure for determining the fiscal impact of initiative measures.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

Reps. R. Kelsch, M. Klein and Sens. Andrist, Espegard, J. Lee introduced:

HCR 3070: A concurrent resolution directing the Legislative Council to study the registration of landscape architects and the landscape architecture laws of other states.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Brusegaard, Kasper introduced:

HCR 3071: A concurrent resolution for the amendment of section 18 of article X of the Constitution of North Dakota, relating to the use of public funds.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

Reps. Glassheim, Drovdal, Ekstrom, Keiser, Tieman, Warner introduced:

HCR 3072: A concurrent resolution directing the Legislative Council to study possible methods of growing North Dakota's population, including approaches to decreasing out-migration and increasing in-migration and reviewing how other states are dealing with related population issues.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Glassheim, Aarsvold, DeKrey, Keiser, Severson introduced:

HCR 3073: A concurrent resolution directing the Legislative Council to study the effectiveness and appropriateness of tax preferences provided by state law and discretionary action of political subdivisions.

Was read the first time and referred to the **Finance and Taxation Committee**.

Rep. Warner introduced:

HCR 3074: A concurrent resolution directing the Legislative Council to study the current statutory framework of commercial entities, including possible inconsistent treatment of similarly situated entities.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Galvin, Kreidt introduced:

HCR 3075: A concurrent resolution directing the Legislative Council to study factors contributing to the failure of mining companies to release land from final bond and whether current mining practices are in violation of the state's corporate farming laws.

Was read the first time and referred to the **Natural Resources Committee**.

REPORT OF STANDING COMMITTEE

HB 1002: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the semicolon

Page 1, remove line 2

Page 1, line 3, remove "relating to salaries of supreme and district court judges"

Page 1, line 12, replace "5,955,990" with "5,852,238"

Page 1, line 13, replace "\$1,706,580" with "1,681,580"

Page 1, line 14, replace "\$132,288" with "132,288"

Page 1, line 15, replace "7,794,858" with "7,666,106"

Page 1, line 18, replace "34,662,877" with "33,943,108"

Page 1, line 19, replace "\$14,223,487" with "10,992,308"

Page 1, line 20, replace "\$109,500" with "74,500"

Page 1, line 21, replace "\$918,944" with "826,944"

Page 1, line 22, replace "\$80,000" with "80,000"

Page 1, line 23, replace "\$40,000" with "20,000"

Page 1, line 24, replace "50,034,808" with "45,936,860"

Page 2, line 1, replace "\$1,762,735" with "1,762,735"

Page 2, line 2, replace "48,272,073" with "44,174,125"

Page 2, line 5, replace "544,227" with "539,445"

Page 2, line 6, replace "544,227" with "539,445"

Page 2, line 7, replace "\$283,500" with "281,014"

Page 2, line 8, replace "260,727" with "258,431"

Page 2, line 9, replace "56,327,658" with "52,098,662"

Page 2, line 10, replace "2,046,235" with "2,043,749"

Page 2, line 11, replace "58,373,893" with "54,142,411"

Page 2, remove lines 22 through 30

Page 3, remove lines 1 through 12

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Supreme Court			
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	<u>\$7,794,858</u>	<u>(\$128,752)</u>	<u>\$7,666,106</u>
District courts			
Total all funds	\$50,034,808	(\$4,097,948)	\$45,936,860
Less estimated income	1,762,735		1,762,735
General fund	<u>\$48,272,073</u>	<u>(\$4,097,948)</u>	<u>\$44,174,125</u>
Judicial Conduct Commission			
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	283,500	(2,486)	281,014
General fund	<u>\$260,727</u>	<u>(\$2,296)</u>	<u>\$258,431</u>
Bill Total			
Total all funds	\$58,373,893	(\$4,231,482)	\$54,142,411
Less estimated income	2,046,235	(2,486)	2,043,749
General fund	<u>\$56,327,658</u>	<u>(\$4,228,996)</u>	<u>\$52,098,662</u>

House Bill No. 1002 - Supreme Court - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,955,990	(\$103,752)	\$5,852,238
Operating expenses	1,706,580	(25,000)	1,681,580
Judges' retirement	<u>132,288</u>		<u>132,288</u>
Total all funds	\$7,794,858	(\$128,752)	\$7,666,106
Less estimated income			
General fund	<u>\$7,794,858</u>	<u>(\$128,752)</u>	<u>\$7,666,106</u>
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUSTICES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR SUPREME COURT	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,805)	(\$49,947)		(\$103,752)
Operating expenses			(\$25,000)	(25,000)
Judges' retirement				
Total all funds	<u>(\$53,805)</u>	<u>(\$49,947)</u>	<u>(\$25,000)</u>	<u>(\$128,752)</u>
Less estimated income				
General fund	<u>(\$53,805)</u>	<u>(\$49,947)</u>	<u>(\$25,000)</u>	<u>(\$128,752)</u>
FTE	0.00	0.00	0.00	0.00

¹ This amendment removes the judicial branch's proposed salary increases for Supreme Court justices.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

House Bill No. 1002 - District Courts - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,662,877	(\$719,769)	\$33,943,108
Operating expenses	14,223,487	(3,231,179)	10,992,308
Capital assets	109,500	(35,000)	74,500
Judges' retirement	918,944	(92,000)	826,944
University of North Dakota - Central legal research	80,000		80,000
Alternative dispute resolution	40,000	(20,000)	20,000
Total all funds	\$50,034,808	(\$4,097,948)	\$45,936,860
Less estimated income	1,762,735		1,762,735
General fund	<u>\$48,272,073</u>	<u>(\$4,097,948)</u>	<u>\$44,174,125</u>
FTE	287.50	0.00	287.50

Dept. 182 - District Courts - Detail of House Changes

	REMOVES PROPOSED SALARY INCREASE FOR JUDGES ¹	REMOVES RECOMMENDED SALARY INCREASE ²	DECREASES GENERAL FUND FUNDING FOR DISTRICT COURTS	DECREASES FUNDING FOR OPERATING EXPENSES ³	REMOVES FUNDING FOR INDIGENT DEFENSE FEES ⁴
Salaries and wages	(\$461,779)	(\$257,990)			
Operating expenses			(\$88,000)	(\$152,632)	(\$2,990,547)
Capital assets			(35,000)		
Judges' retirement			(92,000)		
University of North Dakota - Central legal research					
Alternative dispute resolution			(20,000)		
Total all funds	(\$461,779)	(\$257,990)	(\$235,000)	(\$152,632)	(\$2,990,547)
Less estimated income					
General fund	(\$461,779)	(\$257,990)	(\$235,000)	(\$152,632)	(\$2,990,547)
FTE	0.00	0.00	0.00	0.00	0.00
	TOTAL HOUSE CHANGES				
Salaries and wages	(\$719,769)				
Operating expenses	(3,231,179)				
Capital assets	(35,000)				
Judges' retirement	(92,000)				
University of North Dakota - Central legal research					
Alternative dispute resolution	(20,000)				
Total all funds	(\$4,097,948)				
Less estimated income					
General fund	(\$4,097,948)				
FTE	0.00				

¹ This amendment removes the judicial branch's proposed salary increase for district court judges.

² This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

³ This amendment reduces funding for operating expenses. Specific areas may be determined by the department.

⁴ This amendment removes funding for indigent defense fees, relating to the provisions of House Bill No. 1044, which will be added to the Office of Administrative Hearings.

House Bill No. 1002 - Judicial Conduct Commission - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Judicial Conduct Commission and Disciplinary Board	\$544,227	(\$4,782)	\$539,445
Total all funds	\$544,227	(\$4,782)	\$539,445
Less estimated income	<u>283,500</u>	<u>(2,486)</u>	<u>281,014</u>
General fund	\$260,727	(\$2,296)	\$258,431
FTE	4.00	0.00	4.00

Dept. 183 - Judicial Conduct Commission - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	TOTAL HOUSE CHANGES
Judicial Conduct Commission and Disciplinary Board	(\$4,782)	(\$4,782)
Total all funds	(\$4,782)	(\$4,782)
Less estimated income	<u>(2,486)</u>	<u>(2,486)</u>
General fund	(\$2,296)	(\$2,296)
FTE	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

REPORT OF STANDING COMMITTEE

HB 1003: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 3, after "projects" insert "; to authorize the industrial commission to issue and sell bonds for capital projects; to provide statements of legislative intent; to provide for a general fund transfer; to amend and reenact sections 15-10-08, 15-10-12, 54-44.1-04, 54-44.1-06, and 54-44.1-11 of the North Dakota Century Code, relating to compensation of state board of higher education members, higher education institutions' special revenue funds, budget requests and block grant appropriations, and unexpended appropriations"

Page 1, line 13, remove "AND INSTITUTIONS"

Page 1, line 14, replace "117,068,750" with "14,100,689"

Page 1, line 15, replace "program" with "and centers for excellence" and replace "4,000,000" with "7,000,000"

Page 1, line 16, replace "535,306" with "435,306"

Page 1, line 17, replace "4,512,642" with "4,479,337"

Page 1, line 19, replace "26,138,137" with "26,135,148"

Page 1, replace lines 21 through 23 with:

"Professional liability insurance	1,850,000
Student financial assistance grants	4,430,215
Professional student exchange program	1,678,300
Scholars program	816,368
Native American scholarships	204,086
Education incentive programs	<u>830,000</u>

Page 1, line 24, replace "467,577,358" with "64,407,816"

Page 2, line 1, replace "115,498,722" with "5,355,507"

Page 2, line 2, replace "352,078,636" with "59,052,309"

Page 2, after line 3, insert:

"BISMARCK STATE COLLEGE

Capital assets	\$250,000
Operations	<u>15,493,038</u>
General fund appropriation	\$15,743,038

Subdivision 3.

LAKE REGION STATE COLLEGE

Capital assets	\$44,831
Operations	4,963,824
General fund appropriation	\$5,008,655

Subdivision 4.

WILLISTON STATE COLLEGE

Capital assets	\$88,790
Operations	5,319,181
General fund appropriation	\$5,407,971

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA

Capital assets	\$32,662,136
Operations	84,584,943
Nordic initiative	50,000
Marketing initiative	<u>50,000</u>
Total all funds	\$117,347,079

Less estimated income	30,300,000
General fund appropriation	\$87,047,079

Subdivision 6.

NORTH DAKOTA STATE UNIVERSITY

Capital assets	\$16,737,531
Operations	66,875,983
Total all funds	\$83,613,514
Less estimated income	15,000,000
General fund appropriation	\$68,613,514

Subdivision 7.

NORTH DAKOTA STATE COLLEGE OF SCIENCE

Capital assets	\$4,442,420
Operations	23,774,891
Total all funds	\$28,217,311
Less estimated income	3,668,920
General fund appropriation	\$24,548,391

Subdivision 8.

DICKINSON STATE UNIVERSITY

Capital assets	\$5,393,962
Operations	13,590,878
Total all funds	\$18,984,840
Less estimated income	5,000,000
General fund appropriation	\$13,984,840

Subdivision 9.

MAYVILLE STATE UNIVERSITY

Capital assets	\$364,589
Operations	8,349,835
Old main improvement	50,000
Total all funds	\$8,764,424
Less estimated income	150,000
General fund appropriation	\$8,614,424

Subdivision 10.

MINOT STATE UNIVERSITY

Capital assets	\$612,850
Operations	25,554,142
General fund appropriation	\$26,166,992

Subdivision 11.

VALLEY CITY STATE UNIVERSITY

Capital assets	\$265,334
Operations	11,144,078
General fund appropriation	\$11,409,412

Subdivision 12.

MINOT STATE UNIVERSITY - BOTTINEAU

Capital assets	\$112,663
Operations	4,057,001
General fund appropriation	\$4,169,664

Subdivision 13.

UNIVERSITY OF NORTH DAKOTA SCHOOL OF
MEDICINE AND HEALTH SCIENCES

Operations	\$30,268,879
General fund appropriation	\$30,268,879

Subdivision 14."

Page 2, line 6, replace "2,769,197" with "2,717,215"

Page 2, line 7, replace "2,915,258" with "2,863,276"

Page 2, line 9, replace "1,825,257" with "1,773,275"

Page 2, line 10, replace "353,903,893" with "361,808,443"

Page 2, line 11, replace "116,588,723" with "112,046,775"

Page 2, line 12, replace "470,492,616" with "473,855,218"

Page 2, line 13, replace "\$535,306" with "\$435,306"

Page 2, remove lines 18 through 30

Page 3, remove lines 1 through 12

Page 3, line 13, replace "\$117,068,750" with "\$14,100,689"

Page 3, line 15, remove "as determined"

Page 3, line 16, replace ", the payment of special assessments, and the repair and construction of" with "and by the industrial commission to establish an escrow account as authorized in section 15 of this Act."

Page 3, remove lines 17 through 28

Page 3, line 29, replace "\$26,138,137" with "\$26,135,148"

Page 4, remove lines 29 through 31

Page 5, remove lines 1 through 3

Page 5, remove lines 18 through 22

Page 5, line 23, after "**PURPOSES**" insert " - **APPROPRIATION**"

Page 5, line 31, after "issued" insert ", and the proceeds are appropriated, for the biennium beginning July 1, 2003, and ending June 30, 2005," and after the colon insert:
"Bismarck state college - Student apartments \$1,785,000"

Page 6, after line 1, insert:

"Mayville state university - Fieldhouse renovation and addition	\$3,000,000
University of North Dakota - Airport hangar	\$2,000,000
University of North Dakota - Wellness center	\$8,000,000
University of North Dakota - Athletic complex	\$13,000,000
Valley City state university - Kolstoe hall renovation	\$3,300,000"

Page 6, after line 2, insert:

"Mayville state university may obtain and utilize special funds to assist in the renovation and addition of the fieldhouse. There is appropriated to Mayville state university the sum of \$1,000,000, or so much as may be necessary, from any other funds that may become available for this project, for the biennium beginning July 1, 2003, and ending June 30, 2005.

Total special funds appropriation	\$43,460,000
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SECTION 13. PROJECT AUTHORIZATIONS. The industrial commission, acting as the North Dakota building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 2003, and ending June 30, 2005. The proceeds of the evidences of indebtedness and other available funds are hereby appropriated during the biennium beginning July 1, 2003, and ending June 30, 2005, for the following projects:

Dickinson state university	Murphy hall phase I addition	\$5,882,047
Valley City state university	Graichen gymnasium elevator	\$785,300

Mayville state university	and emergency exits Steamline replacement phase II	\$1,355,000
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The industrial commission shall issue evidences of indebtedness under this section with the condition that lease rental payments need not begin until July 1, 2005. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 2005, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

Grand total special funds appropriation	\$8,022,347
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SECTION 14. BOND ISSUANCE REPAYMENT RESPONSIBILITY - LIMITATION IN SECTION 54-17.2-23. The industrial commission shall establish an escrow account for receipt of the first two annual lease rental payments for the retirement of the evidences of indebtedness issued for the project costs associated with the construction of the projects authorized by section 13 of this Act. The escrow account is established to address the general fund lease limitations of section 54-17.2-23 during the 2005-07 biennium. The escrow account consists of \$1,310,000, or so much thereof as may be necessary, transferred from the general fund amounts appropriated for capital assets in subdivision 1 of section 1 of this Act and \$250,000 provided as local responsibility from other Dickinson state university fund sources.

SECTION 15. STUDENT FINANCIAL ASSISTANCE GRANTS. The funds appropriated for student financial assistance grants in section 1 of this Act must be allocated not less than twenty percent to students at private baccalaureate degree granting institutions with the remaining funds allocated to students at public and native American institutions.

SECTION 16. LEGISLATIVE INTENT - HIGHER EDUCATION ACCOUNTABILITY MEASURES. It is the intent of the legislative assembly that the board of higher education's performance and accountability report as required by section 15-10-14.2 include an executive summary and information regarding:

1. Education excellence, including:
 - a. Student performance on nationally recognized exams in their major fields compared to the national averages.
 - b. First-time licensure pass rates compared to other states.
 - c. Alumni-reported and student-reported satisfaction with preparation in selected major, acquisition of specific skills, and technology knowledge and abilities.
 - d. Employer-reported satisfaction with preparation of recently hired graduates.
 - e. Biennial report on employee satisfaction relating to the university system and local institutions.
 - f. Ratio of faculty and staff to students.
 - g. Student graduation and retention rates.
2. Economic development, including:
 - a. Enrollment in entrepreneurship courses and the number of graduates of entrepreneurship programs.
 - b. Percentage of university system graduates obtaining employment appropriate to their education in the state.
 - c. Number of businesses and employees in the region receiving training.
 - d. Number of students employed in major field of study six months and eighteen months after graduation.
3. Student access, including:

- a. Proportion of residents of the state who are within a forty-five-minute drive of a location at which they can receive educational programs from a provider.
 - b. Number and proportion of enrollments in courses offered by nontraditional methods.
4. Student affordability, including:
- a. Tuition and fees on a per student basis compared to the regional average.
 - b. Tuition and fees as a percentage of median North Dakota household income.
 - c. Cost per student in terms of general fund appropriations and total university system funding.
 - d. Average number of semesters completed per baccalaureate degree graduate.
 - e. Administrative, instructional, and other cost per student.
 - f. Per capita general fund appropriations for higher education.
 - g. State general fund appropriation levels for university system institutions compared to peer institutions general fund appropriation levels.
5. Financial operations, including:
- a. Percentage of total university system funding used for instruction, research, and public service.
 - b. Percentage of total university system funding used for institutional support, operations, and maintenance of physical plant.
 - c. Ratio measuring the funding derived from operating and contributed income compared to total university system funding.
 - d. Deferred maintenance ratio measuring the size of the university system's outstanding maintenance as compared to its expendable net assets.
 - e. Viability ratio measuring the amount of expendable net assets as compared to the amount of long-term debt.
 - f. Research expenditures in proportion to the amount of revenue generated by research activity and funding received for research activity.
 - g. New construction and major renovation capital projects for which specific appropriations are made, including budget to actual comparison, use of third-party funding, and related debt.

SECTION 17. GENERAL FUND TRANSFER. The industrial commission shall transfer to the general fund the sum of \$13,258,969 from the North Dakota student loan trust. The moneys must be transferred as requested by the director of the office of management and budget during the biennium beginning July 1, 2003, and ending June 30, 2005, 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.

SECTION 18. COMPETITIVE RESEARCH - CENTERS FOR EXCELLENCE. The competitive research and centers for excellence line item in subdivision 1 of section 1 of this Act includes \$5,000,000 for the competitive research program and \$2,000,000 for public private partnership research efforts that focus on research that will have a positive impact on the state's economy and gross state product including research efforts that emphasize aerospace, biotechnology, energy, medicine, and technology transfer.

SECTION 19. AMENDMENT. Section 15-10-08 of the North Dakota Century Code is amended and reenacted as follows:

15-10-08. Compensation of board members - Expenses - Legislative appropriations. Each member of the state board of higher education, except the student member, is entitled to receive as compensation ~~sixty-two one hundred dollars and fifty cents~~ one hundred dollars per day for each calendar day actually spent devoted to the duties of office, and necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of office. The legislative assembly shall provide adequate funds to carry out the functions and duties of the board.

SECTION 20. AMENDMENT. Section 15-10-12 of the North Dakota Century Code is amended and reenacted as follows:

15-10-12. (Effective through June 30, 2003~~2005~~) Board may accept gifts and bequests - Deposit and appropriation of institutional funds. Subject to the limitations of section 15-10-12.1, the state board of higher education may receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, tuition, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the institution special revenue funds. The state treasurer shall immediately transfer the funds deposited in the special revenue funds to institution accounts in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget pursuant to section ~~15-10-15~~. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution. The funds in the institution accounts are appropriated on a continuing basis to the state board of higher education. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

(Effective after June 30, 2003 2005) Board may accept gifts and bequests - Deposit of funds. The state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury and all institutional income from tuition collections must be placed in the special fund for the use of the institution for which the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. Moneys in the special revenue fund are subject to legislative appropriations. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the institution special revenue funds. The state treasurer shall immediately transfer the funds deposited in the special revenue funds to institution accounts in the Bank of North

Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget pursuant to section 15-10-15. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution, except that at the close of the biennium the balance of funds not paid from the general fund appropriation must be deposited in the special revenue funds of the institutions. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

SECTION 21. AMENDMENT. Section 54-44.1-04 of the North Dakota Century Code is amended and reenacted as follows:

54-44.1-04. (Effective through June 30, 2003~~2005~~) Budget estimates of budget units filed with the office of the budget - Deadline. The head of each budget unit, not later than July fifteenth of each year next preceding the session of the legislative assembly, shall submit to the office of the budget, estimates of financial requirements of the person's budget unit for the next two fiscal years, on the forms and in the manner prescribed by the office of the budget, with such explanatory data as is required by the office of the budget and such additional data as the head of the budget unit wishes to submit. The budget estimates for the North Dakota university system must include block grants for the university system for a base funding component and for an initiative funding component for specific strategies or initiatives and a budget estimate for an asset funding component for renewal and replacement of physical plant assets at the institutions of higher education. The estimates so submitted must bear the approval of the board or commission of each budget unit for which a board or commission is constituted. The director of the budget in the director's discretion may extend the filing date for any budget unit if the director finds there is some circumstance ~~which that~~ makes it advantageous to authorize the extension. If a budget unit has not submitted its estimate of financial requirements by the required date or within a period of extension set by the director of the budget, the director of the budget shall prepare ~~such the~~ budget unit's estimate of financial requirements except ~~such the~~ estimate may not exceed ninety percent of ~~such the~~ budget unit's previous biennial appropriation. The director of the budget or ~~such a~~ subordinate officer as the director designates shall examine the estimates and shall afford to the heads of budget units reasonable opportunity for explanation in regard thereto and, when requested, shall grant to the heads of budget units a hearing thereon which must be open to the public.

(Effective after June 30, 2003 2005) Budget estimates of budget units filed with the office of the budget - Deadline. The head of each budget unit, not later than July fifteenth of each year next preceding the session of the legislative assembly, shall submit to the office of the budget, estimates of financial requirements of the person's budget unit for the next two fiscal years, on the forms and in the manner prescribed by the office of the budget, with such explanatory data as is required by the office of the budget and such additional data as the head of the budget unit wishes to submit. The estimates so submitted must bear the approval of the board or commission of each budget unit for which a board or commission is constituted. The director of the budget may extend the filing date for any budget unit if the director finds there is some circumstance ~~which that~~ makes it advantageous to authorize the extension. If a budget unit has not submitted its estimate of financial requirements by the required date or within a period of extension set by the director of the budget, the director of the budget shall prepare ~~such the~~ budget unit's estimate of financial requirements except ~~such the~~ estimate may not exceed ninety percent of ~~such the~~ budget unit's previous biennial appropriation. The director of the budget or ~~such a~~ subordinate officer as the director shall designate shall examine the estimates and shall afford to the heads of budget units reasonable opportunity for explanation in regard thereto and, when requested, shall grant to the heads of budget units a hearing thereon which must be open to the public.

SECTION 22. AMENDMENT. Section 54-44.1-06 of the North Dakota Century Code is amended and reenacted as follows:

54-44.1-06. (Effective through June 30, 2003~~2005~~) Preparation of the budget data - Contents. The director of the budget, through the office of the budget, shall prepare budget data which must contain and include the following:

1. Summary statements of the financial condition of the state, accompanied by ~~such the~~ detailed schedules of assets and liabilities as the director of the budget ~~deems~~determines desirable, which ~~shall~~ must include, ~~but not be limited to,~~ the following:
 - a. Summary statements of fund balances and assets showing in detail for each fund the surplus or deficit at the beginning of each of the two fiscal years of the previous biennium and the first fiscal year of the present biennium, the actual revenue for those years, the total appropriations for the previous and present biennium, and the total expenditures for those fiscal years; and
 - b. Similar summary statements of the estimated fund balances and assets for the current fiscal year and each of the fiscal years of the next biennium.

~~Summary statements may include, but not be limited to,~~ a comparative consolidated balance sheet showing all the assets and liabilities of the state and the surplus or deficit, as the case may be, at the close of the first fiscal year of the current biennium.

2. Statements of actual revenue for the previous biennium, the first year of the present biennium, and the estimated revenue of the current fiscal year and of the next biennium, and a statement of unappropriated surplus expected to have accrued in the state treasury at the beginning of the next fiscal year. The statements of revenue and estimated revenue must be classified by sources and by budget unit collecting them. Existing sources of revenue must be analyzed as to their equity, productivity, and need for revision, and any proposed new sources of revenue must be explained.
3. Summary statements of expenditures of the previous biennium and first year of the present biennium, itemized by budget units and classified as prescribed by the director of the budget.
4. Detailed comparative statements of expenditures and requests for appropriations by funds, budget units and classification of expenditures, showing the expenditures for the previous biennium, the first fiscal year of the present biennium, the budget of the current biennium, and the governor's recommendation for appropriations for each budget unit for the next biennium, all distributed according to the prescribed classification of expenditures. Following the lists of actual and proposed expenditures of each budget unit there must be a brief explanation of the functions of the unit and comments on its policies and plans and on any considerable differences among the amounts recommended, with ~~such~~ any descriptive, quantitative, comparative, and other data as to work done, unit costs, and like information as may be considered necessary or desirable. For capital outlay expenditures involving construction projects to be completed in two or more fiscal years, there must be shown the total estimated cost of each such project and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project. Capital outlay needs may be projected for at least two years beyond the period covered by the budget.
5. A detailed statement showing the estimate of all moneys required to be raised or appropriated for the payment of interest upon the funded debt of the state and its other obligations bearing interest, and the amount of money required to be contributed in the two next ensuing fiscal years to the general sinking funds maintained for the redemption and payment of the debts of the state.
6. A summary statement of the unappropriated fund balance estimated to be available at the beginning of the next biennium, and the estimated revenue of the next biennium, as compared with the total recommended amounts of appropriation for all classes of expenditures for the next biennium, and if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of any proposed additional revenue.
7. Drafts of proposed general and special appropriations acts embodying the budget data and recommendations of the governor for appropriations for

the next biennium and drafts of such revenues and other acts recommended by the governor for putting into effect the proposed financial plan. The recommended general appropriation for each budget unit must be specified in a separate section of the general appropriations act. The draft of the proposed appropriations act for the North Dakota university system must include block grants for a base funding appropriation and for an initiative funding appropriation for specific strategies or initiatives and an appropriation for asset funding for renewal and replacement of physical plant assets at the institutions of higher education ~~in the format approved by the fifty-seventh legislative assembly.~~

8. A list of every individual asset or service, excluding real estate, with a value of at least fifty thousand dollars and every group of assets and services comprising a single system with a combined value of at least fifty thousand dollars acquired through a capital or operating lease arrangement or debt financing arrangement by a state agency or institution. The list must include assets or services acquired in the current biennium and anticipated assets or services to be acquired in the next biennium.
9. ~~Such~~ Any other information as the director of the budget ~~deems~~ determines desirable or as is required by law.

(Effective after June 30, 2003 2005) Preparation of the budget data - Contents. The director of the budget, through the office of the budget, shall prepare budget data which must contain and include the following:

1. Summary statements of the financial condition of the state, accompanied by ~~such~~ the detailed schedules of assets and liabilities as the director of the budget ~~deems~~ determines desirable, which ~~shall~~ must include, ~~but not be limited to,~~ the following:
 - a. Summary statements of fund balances and assets showing in detail for each fund the surplus or deficit at the beginning of each of the two fiscal years of the previous biennium and the first fiscal year of the present biennium, the actual revenue for those years, the total appropriations for the previous and present biennium, and the total expenditures for those fiscal years; and
 - b. Similar summary statements of the estimated fund balances and assets for the current fiscal year and each of the fiscal years of the next biennium.

~~Summary statements may include, but not be limited to,~~ a comparative consolidated balance sheet showing all the assets and liabilities of the state and the surplus or deficit, as the case may be, at the close of the first fiscal year of the current biennium.

2. Statements of actual revenue for the previous biennium, the first year of the present biennium, and the estimated revenue of the current fiscal year and of the next biennium, and a statement of unappropriated surplus expected to have accrued in the state treasury at the beginning of the next fiscal year. The statements of revenue and estimated revenue must be classified by sources and by budget unit collecting them. Existing sources of revenue must be analyzed as to their equity, productivity, and need for revision, and any proposed new sources of revenue must be explained.
3. Summary statements of expenditures of the previous biennium and first year of the present biennium, itemized by budget units and classified as prescribed by the director of the budget.
4. Detailed comparative statements of expenditures and requests for appropriations by funds, budget units and classification of expenditures, showing the expenditures for the previous biennium, the first fiscal year of the present biennium, the budget of the current biennium, and the governor's recommendation for appropriations for each budget unit for the next biennium, all distributed according to the prescribed classification of expenditures. Following the lists of actual and proposed expenditures of each budget unit there must be a brief explanation of the functions of the unit and comments on its policies and plans and on any considerable differences among the amounts recommended, with ~~such~~ any descriptive,

quantitative, comparative, and other data as to work done, unit costs, and like information as may be considered necessary or desirable. For capital outlay expenditures involving construction projects to be completed in two or more fiscal years, there must be shown the total estimated cost of each such project and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project. Capital outlay needs may be projected for at least two years beyond the period covered by the budget.

5. A detailed statement showing the estimate of all moneys required to be raised or appropriated for the payment of interest upon the funded debt of the state and its other obligations bearing interest, and the amount of money required to be contributed in the two next ensuing fiscal years to the general sinking funds maintained for the redemption and payment of the debts of the state.
6. A summary statement of the unappropriated fund balance estimated to be available at the beginning of the next biennium, and the estimated revenue of the next biennium, as compared with the total recommended amounts of appropriation for all classes of expenditures for the next biennium, and if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of any proposed additional revenue.
7. Drafts of a proposed general appropriations act and special appropriations acts embodying the budget data and recommendations of the governor for appropriations for the next biennium and drafts of such revenues and other acts recommended by the governor for putting into effect the proposed financial plan. The recommended general appropriation for each budget unit must be specified in a separate section of the general appropriations act.
8. A list of every individual asset or service, excluding real estate, with a value of at least fifty thousand dollars and every group of assets and services comprising a single system with a combined value of at least fifty thousand dollars acquired through a capital or operating lease arrangement or debt financing arrangement by a state agency or institution. The list must include assets or services acquired in the current biennium and anticipated assets or services to be acquired in the next biennium.
9. ~~Such~~ Any other information as the director of the budget ~~deems~~ determines desirable or as is required by law.

SECTION 23. AMENDMENT. Section 54-44.1-11 of the North Dakota Century Code is amended and reenacted as follows:

54-44.1-11. (Effective through June 30, 2003~~2005~~) Office of management and budget to cancel unexpended appropriations - When they may continue. Except as otherwise provided by law, the office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. Unexpended appropriations for the North Dakota university system are not subject to this section and the North Dakota university system shall report on the amounts and uses of funds carried over from one biennium to the next to subsequent appropriations committees of the legislative assembly. The chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.

4. The purchase of land by the state on a "contract for deed" purchase if the total purchase price is within the authorized appropriation.

(Effective after June 30, 2003 2005) Office of management and budget to cancel unexpended appropriations - When they may continue. The office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. The chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase if the total purchase price is within the authorized appropriation."

Page 6, line 3, remove "subdivisions 1"

Page 6, line 4, remove "and 2 of" and replace "section 17" with "sections 12, 13, and 14"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
University System office			
Total all funds	\$467,577,358	(\$403,169,542)	\$64,407,816
Less estimated income	115,498,722	(110,143,215)	5,355,507
General fund	\$352,078,636	(\$293,026,327)	\$59,052,309
Bismarck State College			
Total all funds	\$0	\$17,528,038	\$17,528,038
Less estimated income		1,785,000	1,785,000
General fund	\$0	\$15,743,038	\$15,743,038
Lake Region State College			
Total all funds	\$0	\$5,383,655	\$5,383,655
Less estimated income		375,000	375,000
General fund	\$0	\$5,008,655	\$5,008,655
Williston State College			
Total all funds	\$0	\$5,407,971	\$5,407,971
Less estimated income			
General fund	\$0	\$5,407,971	\$5,407,971
University of North Dakota			
Total all funds	\$0	\$140,347,079	\$140,347,079
Less estimated income		53,300,000	53,300,000
General fund	\$0	\$87,047,079	\$87,047,079
UND Medical Center			
Total all funds	\$0	\$30,268,879	\$30,268,879
Less estimated income			
General fund	\$0	\$30,268,879	\$30,268,879
North Dakota State University			
Total all funds	\$0	\$94,613,514	\$94,613,514
Less estimated income		26,000,000	26,000,000
General fund	\$0	\$68,613,514	\$68,613,514
State College of Science			
Total all funds	\$0	\$28,217,311	\$28,217,311
Less estimated income		3,668,920	3,668,920
General fund	\$0	\$24,548,391	\$24,548,391
Dickinson State University			
Total all funds	\$0	\$24,866,887	\$24,866,887
Less estimated income		10,882,047	10,882,047
General fund	\$0	\$13,984,840	\$13,984,840
Mayville State University			
Total all funds	\$0	\$14,119,424	\$14,119,424
Less estimated income		5,505,000	5,505,000
General fund	\$0	\$8,614,424	\$8,614,424
Minot State University			

Total all funds	\$0	\$26,166,992	\$26,166,992
Less estimated income			
General fund	<u>\$0</u>	<u>\$26,166,992</u>	<u>\$26,166,992</u>
Valley City State University			
Total all funds	\$0	\$15,494,712	\$15,494,712
Less estimated income		4,085,300	4,085,300
General fund	<u>\$0</u>	<u>\$11,409,412</u>	<u>\$11,409,412</u>
Minot State University - Bottineau			
Total all funds	\$0	\$4,169,664	\$4,169,664
Less estimated income			
General fund	<u>\$0</u>	<u>\$4,169,664</u>	<u>\$4,169,664</u>
Forest Service			
Total all funds	\$2,915,258	(\$51,982)	\$2,863,276
Less estimated income	1,090,001		1,090,001
General fund	<u>\$1,825,257</u>	<u>(\$51,982)</u>	<u>\$1,773,275</u>
Bill Total			
Total all funds	\$470,492,616	\$3,362,602	\$473,855,218
Less estimated income	<u>116,588,723</u>	<u>(4,541,948)</u>	<u>112,046,775</u>
General fund	<u>\$353,903,893</u>	<u>\$7,904,550</u>	<u>\$361,808,443</u>

House Bill No. 1003 - General Fund Summary

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
University System office	\$352,078,636	(\$293,026,327)	\$59,052,309
Bismarck State College		15,743,038	15,743,038
Lake Region State College		5,008,655	5,008,655
Williston State College		5,407,971	5,407,971
University of North Dakota		87,047,079	87,047,079
UND Medical Center		30,268,879	30,268,879
North Dakota State University		68,613,514	68,613,514
State College of Science		24,548,391	24,548,391
Dickinson State University		13,984,840	13,984,840
Mayville State University		8,614,424	8,614,424
Minot State University		26,166,992	26,166,992
Valley City State University		11,409,412	11,409,412
Minot State University - Bottineau		4,169,664	4,169,664
Forest Service	<u>1,825,257</u>	<u>(51,982)</u>	<u>1,773,275</u>
Total general fund	\$353,903,893	\$7,904,550	\$361,808,443

Detail of House Changes to the General Fund

	ALLOCATES FUNDING FOR CAMPUS EXTRAORDINARY REPAIRS 1	ALLOCATES FUNDING FOR MAJOR CAPITAL PROJECTS 2	CORRECTS FUNDING FOR CAPITAL ASSETS 3	ALLOCATES FUNDING FOR CAMPUS OPERATIONS 4	DECREASES FUNDING FOR CAMPUS OPERATIONS 5	ADDS BONDING AUTHORITY FOR MAJOR CAPITAL PROJECT 6
University System office	(\$6,932,186)	(\$1,651,629)		(\$299,415,187)		
Bismarck State College	250,000			15,800,887	(\$307,849)	
Lake Region State College	44,831			5,062,456	(98,632)	
Williston State College	88,790			5,424,874	(105,693)	
University of North Dakota	2,362,136			86,270,626	(1,685,683)	
UND Medical Center				30,462,510	(588,631)	
North Dakota State University	1,737,531			68,204,819	(1,328,836)	
State College of Science	773,500			24,247,302	(472,411)	
Dickinson State University	393,962			13,860,931	(270,053)	
Mayville State University	214,589			8,515,748	(165,913)	
Minot State University	612,850			26,061,907	(507,765)	
Valley City State University	265,334			11,365,513	(221,435)	
Minot State University - Bottineau	112,663			4,137,614	(80,613)	
Forest Service					<u>(33,857)</u>	
Total general fund	(\$76,000)	(\$1,651,629)	\$0	\$0	(\$5,867,371)	\$0
	ALLOCATES FUNDING FROM BOARD INITIATIVES TO CAMPUS INITIATIVES 7	REMOVES FUNDING FOR SYSTEM INITIATIVES 8	REMOVES FUNDING FOR STUDENT INTERNSHIP PROGRAM 9	ALLOCATES FUNDING FOR STUDENT PROGRAMS AND CHANGES FUNDING SOURCE 10	INCREASES FUNDING FOR STUDENT FINANCIAL ASSISTANCE GRANTS 11	INCREASES FUNDING FOR CAMPUS OPERATIONS 12
University System office	(\$100,000)			\$6,258,969		
Bismarck State College						
Lake Region State College						
Williston State College						
University of North Dakota	50,000					\$50,000
UND Medical Center						395,000
North Dakota State University						
State College of Science						
Dickinson State University						
Mayville State University	50,000					
Minot State University						
Valley City State University						
Minot State University - Bottineau						
Forest Service						
Total general fund	\$0	\$0	\$0	\$6,258,969	\$0	\$445,000

INCREASES

	PROVIDES FUNDING FOR PROFESSIONAL LIABILITY INSURANCE COVERAGE	REMOVES RECOMMENDED SALARY INCREASE 13	FUNDING FOR RESEARCH ACTIVITIES AND CHANGES FUNDING SOURCE 14	TOTAL GENERAL FUND CHANGES
University System office	\$1,850,000	(\$36,294)	\$7,000,000	(\$293,026,327)
Bismarck State College				15,743,038
Lake Region State College				5,008,655
Williston State College				5,407,971
University of North Dakota				87,047,079
UND Medical Center				30,268,879
North Dakota State University				68,613,514
State College of Science				24,548,391
Dickinson State University				13,984,840
Mayville State University				8,614,424
Minot State University				26,166,992
Valley City State University				11,409,412
Minot State University - Bottineau				4,169,664
Forest Service		(18,125)		(51,982)
Total general fund	\$1,850,000	(\$54,419)	\$7,000,000	\$7,904,550

House Bill No. 1003 - Other Funds Summary

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
University System office	\$115,498,722	(\$110,143,215)	\$5,355,507
Bismarck State College		1,785,000	1,785,000
Lake Region State College		375,000	375,000
Williston State College			
University of North Dakota		53,300,000	53,300,000
UND Medical Center			
North Dakota State University		26,000,000	26,000,000
State College of Science		3,668,920	3,668,920
Dickinson State University		10,882,047	10,882,047
Mayville State University		5,505,000	5,505,000
Minot State University			
Valley City State University		4,085,300	4,085,300
Minot State University - Bottineau			
Forest Service	1,090,001		1,090,001
Total other funds	\$116,588,723	(\$4,541,948)	\$112,046,775

Detail of House Changes to Other Funds

	ALLOCATES FUNDING FOR CAMPUS EXTRAORDINARY REPAIRS 1	ALLOCATES FUNDING FOR MAJOR CAPITAL PROJECTS 2	CORRECTS FUNDING FOR CAPITAL ASSETS 3	ALLOCATES FUNDING FOR CAMPUS OPERATIONS 4	DECREASES FUNDING FOR CAMPUS OPERATIONS 5	ADDS BONDING AUTHORITY FOR MAJOR CAPITAL PROJECT 6
University System office		(\$94,278,920)	(\$105,326)			
Bismarck State College		1,785,000				
Lake Region State College		375,000				
Williston State College						
University of North Dakota		53,300,000				
UND Medical Center						
North Dakota State University		26,000,000				
State College of Science		3,668,920				
Dickinson State University		5,000,000				\$5,882,047
Mayville State University		4,150,000				1,355,000
Minot State University						
Valley City State University						4,085,300
Minot State University - Bottineau						
Forest Service						
Total other funds	\$0	\$0	(\$105,326)	\$0	\$0	\$11,322,347

	ALLOCATES FUNDING FROM BOARD INITIATIVES TO CAMPUS INITIATIVES 7	REMOVES FUNDING FOR SYSTEM INITIATIVES 8	REMOVES FUNDING FOR STUDENT INTERNSHIP PROGRAM 9	ALLOCATES FUNDING FOR STUDENT GRANT PROGRAMS AND CHANGES FUNDING SOURCE 10	INCREASES FUNDING FOR STUDENT FINANCIAL ASSISTANCE GRANTS 11	INCREASES FUNDING FOR CAMPUS OPERATIONS 12
University System office		(\$5,000,000)	(\$2,000,000)	(\$6,258,969)	\$1,500,000	
Bismarck State College						
Lake Region State College						
Williston State College						
University of North Dakota						
UND Medical Center						
North Dakota State University						
State College of Science						
Dickinson State University						
Mayville State University						
Minot State University						
Valley City State University						
Minot State University - Bottineau						
Forest Service						
Total other funds	\$0	(\$5,000,000)	(\$2,000,000)	(\$6,258,969)	\$1,500,000	\$0

PROVIDES FUNDING FOR INCREASES FUNDING FOR RESEARCH

	PROVIDES FUNDING FOR PROFESSIONAL LIABILITY INSURANCE COVERAGE	REMOVES RECOMMENDED SALARY INCREASE ¹³	INCREASES FUNDING FOR RESEARCH ACTIVITIES AND CHANGES FUNDING SOURCE ¹⁴	TOTAL ALL FUNDS CHANGES
University System office	\$1,850,000	(\$36,294)	\$3,000,000	(\$403,169,542)
Bismarck State College				17,528,038
Lake Region State College				5,383,655
Williston State College				5,407,971
University of North Dakota				140,347,079
UND Medical Center				30,268,879
North Dakota State University				94,613,514
State College of Science				28,217,311
Dickinson State University				24,866,887
Mayville State University				14,119,424
Minot State University				26,166,992
Valley City State University				15,494,712
Minot State University - Bottineau				4,169,664
Forest Service		(18,125)		(51,982)
Total all funds	\$1,850,000	(\$54,419)	\$3,000,000	\$3,362,602
FTE	0.00	0.00	0.00	0.00

¹ The executive budget recommendation for the University System office capital assets line item includes funding of \$6,932,186 from the general fund for campus extraordinary repairs. This amendment allocates the funding of \$6,856,186 to individual higher education institutions based on the institutions' 2003-05 hold-even capital assets budget request and reduces funding from the general fund by \$76,000.

² This amendment removes funding of \$1,651,629 from the general fund from the capital assets line item provided in the executive budget recommendation for the State Board of Higher Education to allocate for major capital projects, and the amendment allocates \$94,278,920 of special funds provided for major capital projects from the capital assets line item to individual higher education institutions.

³ The executive budget recommendation includes funding of \$3,134,517 from bonding proceeds for energy improvement projects at North Dakota State University (\$1,077,977) and the University of North Dakota (\$1,951,214) and inadvertently includes funding of \$105,326 for an energy improvement project at the Department of Corrections and Rehabilitation. Therefore, this amendment removes the funding inadvertently included for an energy improvement project at the Department of Corrections and Rehabilitation.

⁴ The executive budget recommendation consolidates the funding for the support of the operations of the higher education institutions in the University System office line item campus operations. This amendment allocates the funding of \$299,415,187 from the general fund provided in the University System office campus operations line item to the individual higher education institutions.

⁵ This amendment decreases funding for higher education institutions and the Forest Service's operations budgets by a total of \$5,867,371 from the general fund.

⁶ This amendment authorizes the Industrial Commission to issue bonds totaling \$8,022,347 for construction costs associated with the following projects:

Dickinson State University	Murphy Hall Phase I addition	\$5,882,047
Valley City State University	Graichen Gymnasium elevator and emergency exits	\$785,300
Mayville State University	Steamline replacement Phase II	\$1,355,000

In relation, this amendment establishes an escrow account for the purpose of making the first two annual lease rental payments for retirement of the bonds. The escrow account is to consist of up to \$1,310,000 transferred from the general fund amounts appropriated for capital assets in subdivision 1 of Section 1 and \$250,000 provided as local responsibility from other Dickinson State University fund sources.

In addition, this amendment authorizes the State Board of Higher Education to issue revenue bonds in the amount of \$3,300,000 for renovation of Kolstoe Hall at Valley City State University.

⁷ This amendment allocates funding of \$100,000 from the general fund from the board initiatives line item to the University of North Dakota for the university's Nordic initiative (\$50,000) and to Mayville State University for improvements in Old Main (\$50,000).

⁸ This amendment removes funding of \$5 million from the student loan trust fund for system initiatives. The funding was to be allocated by the State Board of Higher Education to establish centers of excellence at higher education institutions.

⁹ This amendment removes funding of \$2 million from the student loan trust fund for a new student internship program to support internships for students entering growth industries that have critical shortages of available employees.

¹⁰ This amendment allocates funding from the student grant programs line item to separate program line items--student financial assistance grants, professional student exchange program, scholars program, Native American scholarships, and education incentive programs and changes the funding source for the programs from primarily the student loan trust fund to primarily the general fund.

¹¹ This amendment increases special funds spending authority for the student financial assistance grants by \$1.5 million relating to the potential payments that may be received under the North Dakota-Minnesota reciprocity agreement.

¹² This amendment increases funding for the University of North Dakota by \$50,000 from the general fund for a grant to the University of North Dakota Athletic Department for a Canadian marketing initiative relating to the 2005 World Junior Hockey Tournament (\$50,000). The amendment also increases funding for the University of North Dakota Medical School by \$395,000 from the general fund.

¹³ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums. This only affects the North Dakota University System office and the Forest Service. The executive budget recommendation included no funding for recommended salary increases and health insurance increases for higher education institutions.

¹⁴ This amendment changes the funding source for competitive research from \$4 million from the student loan trust fund to \$4 million from the general fund and increases the funding from the general fund by \$1 million, from \$4 million to \$5 million. The amendment also provides \$2 million from the general fund for centers for excellence.

House Bill No. 1003 - Other Changes - House Action

This amendment also:

- Removes Sections 3, 4, and 5 of the bill as introduced relating to the system initiatives, campus operations, and student grant program line items as the line items are removed in the amendment.
- Amends Section 6 of the bill as introduced to clarify language regarding funding included in the University System office capital assets line item.
- Removes Section 13 of the bill as introduced relating to higher education institutions' transfer authority.
- Removes Section 16 of the bill relating to appropriations from the student loan trust fund.
- Amends Section 17 of the bill as introduced to provide revenue bond authority and appropriate revenue bond proceeds for the following projects:

Bismarck State College - Student apartments	\$1,785,000
Lake Region State College - North Hall residence hall renovation	\$375,000
Mayville State University - Fieldhouse renovation and addition	\$3,000,000
North Dakota State University - Bison Court construction	\$11,000,000
University of North Dakota - Airport hangar	\$2,000,000
University of North Dakota - Wellness Center	\$8,000,000
University of North Dakota - Athletic complex	\$13,000,000
Valley City State University - Kolstoe Hall renovation	\$3,300,000

The section is also amended to appropriate \$1 million of special funds to Mayville State University for additional funds to assist in the renovation and addition of the fieldhouse.

- Adds a section providing for the allocation of student financial assistance grant funds.
- Adds a section providing a transfer of \$13,258,969 from the student loan trust to the general fund.
- Adds a section of legislative intent regarding the use of funds appropriated to the North Dakota University System office for competitive research - centers for excellence.
- Amends North Dakota Century Code Section 15-10-08 relating to the compensation for members of the State Board of Higher Education to change the per diem from \$62.50 to \$100.
- Incorporates the provisions of House Bill No. 1039 relating to the appropriation of higher education special funds, House Bill No. 1040 relating to the carryover of unexpended higher education appropriations, House Bill No. 1041 relating to the University System budget request and appropriations bill that would expire on June 30, 2005, and House Bill No. 1042 relating to higher education accountability measures.

The following is a summary of the funding recommended for higher education in the executive budget and the funding included in this amendment:

	2003-05 EXECUTIVE BUDGET	PROPOSED AMENDMENT	INCREASE (DECREASE)
General fund appropriation	\$353,903,893	\$348,549,474	(\$5,354,419)
General fund appropriation relating to funding transferred from the student loan trust fund		13,258,969 ¹	13,258,969
Total	\$353,903,893	\$361,808,443	\$7,904,550

¹ The executive budget recommended \$17,258,969 from the student loan trust fund.

REPORT OF STANDING COMMITTEE

HB 1008: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "3,691,275" with "3,659,948"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1008 - Department of Financial Institutions - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,018,549	(\$31,327)	\$2,987,222
Operating expenses	<u>672,726</u>		<u>672,726</u>
Total all funds	\$3,691,275	(\$31,327)	\$3,659,948
Less estimated income	<u>3,691,275</u>	<u>(31,327)</u>	<u>3,659,948</u>
General fund	\$0	\$0	\$0
FTE	25.00	0.00	25.00

Dept. 413 - Department of Financial Institutions - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	TOTAL HOUSE CHANGES
Salaries and wages	(\$31,327)	(\$31,327)
Operating expenses		
Total all funds	(\$31,327)	(\$31,327)
Less estimated income	<u>(31,327)</u>	<u>(31,327)</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance.

REPORT OF STANDING COMMITTEE

HB 1014: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the first "and" with "to provide for a report to the legislative council;"

Page 1, line 4, after "committee" insert "; and to declare an emergency"

Page 1, line 11, replace "61,954" with "66,405"

Page 1, line 12, replace "58,681" with "73,295"

Page 1, line 13, replace "2,006,459" with "2,374,900"

Page 1, line 14, replace "2,127,094" with "2,514,600"

Page 2, after line 15, insert:

"SECTION 5. REPORT TO LEGISLATIVE COUNCIL. The children's services coordinating committee shall report to an interim committee designated by the legislative council at least twice during the 2003-04 interim on the amount of "refinancing" funds generated and the uses of the funds for the biennium beginning July 1, 2003, and ending June 30, 2005."

Page 3, line 7, overstrike "twenty" and insert immediately thereafter "fifty"

Page 3, after line 22, insert:

"SECTION 8. EMERGENCY. Section 6 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1014 - Children's Services Coordinating Committee - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$61,954	\$4,451	\$66,405
Operating expenses	58,681	14,614	73,295
Grants	<u>2,006,459</u>	<u>368,441</u>	<u>2,374,900</u>
Total all funds	\$2,127,094	\$387,506	\$2,514,600
Less estimated income	<u>2,127,094</u>	<u>387,506</u>	<u>2,514,600</u>
General fund	\$0	\$0	\$0
FTE	0.70	0.10	0.80

Dept. 324 - Children's Services Coordinating Committee - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	INCREASES REFINANCING INCOME ²	TOTAL HOUSE CHANGES
Salaries and wages	(\$594)	\$5,045	\$4,451
Operating expenses	594	14,020	14,614
Grants		<u>368,441</u>	<u>368,441</u>
Total all funds	\$0	\$387,506	\$387,506
Less estimated income		<u>387,506</u>	<u>387,506</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.10	0.10

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums. The reduction to salaries and wages is added to operating expenses for operating costs of the Children's Services Coordinating Committee.

² The estimate of "refinancing" funds to be generated for the 2003-05 biennium is increased by \$430,837, from \$2,363,163 as recommended in the Governor's budget to \$2,794,000. As a result, the Children's Services Coordinating Committee administrative funding is increased by \$19,065, including increasing the committee's administrative position from a .7 to .8 FTE. The position was 1.0 FTE during the 2001-03 biennium. Funding for grants is increased by \$368,441, of which \$151,711 relates to grants for regional and tribal administration and collaboration and \$216,730 relates to grants to participating entities.

A section is added providing that the Children's Services Coordinating Committee report to a committee of the Legislative Council at least twice during the 2003-04 interim on the amount of "refinancing" funds generated and the uses of the funds during the 2003-05 biennium.

An emergency clause section is added for Section 6, relating to the amount of funds the regional and tribal children's services coordinating committees may carry over at the end of each fiscal year.

The following schedule compares the allocation of "refinancing" funds included in the House version to the executive budget:

	EXECUTIVE BUDGET		HOUSE VERSION	
	PERCENTAGE	ESTIMATED AMOUNT	PERCENTAGE	ESTIMATED AMOUNT
Department of Human Services	10 percent	\$236,069	10 percent	\$279,400
Children's Services Coordinating Committee - Administration	5 percent	120,635	5 percent	139,700
Grants to regional and tribal committees for collaboration and administration	35 percent	826,189	35 percent	977,900
Grants to participating entities	<u>50 percent</u>	<u>1,180,270</u>	<u>50 percent</u>	<u>1,397,000</u>
Total	100 percent	\$2,363,163	100 percent	\$2,794,000

REPORT OF STANDING COMMITTEE

HB 1016: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "fifty-ninth legislative assembly;"

Page 1, line 11, replace "21,632,548" with "20,461,983"

Page 1, line 12, replace "71,185,029" with "66,836,583"

Page 1, line 13, replace "9,615,306" with "9,651,218"

Page 1, line 14, replace "11,476,494" with "11,602,021"

Page 1, line 15, replace "113,909,377" with "108,551,805"

Page 1, line 16, replace "30,992,766" with "30,135,194"

Page 1, line 17, replace "82,916,611" with "78,416,611"

Page 2, remove lines 4 through 12

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Department of Corrections and Rehabilitation - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Field Services Division	\$21,632,548	(\$1,170,565)	\$20,461,983
Prisons Division	71,185,029	(4,348,446)	66,836,583
Juvenile community services	9,615,306	35,912	9,651,218
Youth Correctional Center	<u>11,476,494</u>	<u>125,527</u>	<u>11,602,021</u>
Total all funds	\$113,909,377	(\$5,357,572)	\$108,551,805
Less estimated income	<u>30,992,766</u>	<u>(857,572)</u>	<u>30,135,194</u>
General fund	\$82,916,611	(\$4,500,000)	\$78,416,611
FTE	717.18	(76.00)	641.18

Dept. 530 - Department of Corrections and Rehabilitation - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	RESTORES PAY PLAN UNDER- FUND ²	REMOVES FUNDING AND FTE POSITIONS FOR PROPOSED WOMEN'S PRISON ³	ADDS FUNDING FOR CONTRACT HOUSING FOR WOMEN INMATES ⁴	REMOVES NEW FTE POSITIONS ⁵	REDUCES GENERAL FUND FUNDING ⁶
Field Services Division	(\$84,631)	\$221,281			(\$180,752)	(\$1,126,463)
Prisons Division	(423,324)	1,116,177	(\$7,560,574)	\$6,642,320	(664,903)	(3,708,142)
Juvenile community services	(30,542)	66,454				
Youth Correctional Center	<u>(87,278)</u>	<u>212,805</u>				
Total all funds	(\$625,775)	\$1,616,717	(\$7,560,574)	\$6,642,320	(\$845,655)	(\$4,834,605)
Less estimated income	<u>(51,417)</u>		<u>(1,294,603)</u>	<u>1,243,727</u>	<u>(755,279)</u>	
General fund	(\$574,358)	\$1,616,717	(\$6,265,971)	\$5,398,593	(\$90,376)	(\$4,834,605)
FTE	0.00	0.00	(65.00)	0.00	(11.00)	0.00

	ADDS FUNDING FOR HEPATITIS A AND B VACCINES	TOTAL HOUSE CHANGES
Field Services Division		(\$1,170,565)
Prisons Division	\$250,000	(4,348,446)
Juvenile community services		35,912
Youth Correctional Center		<u>125,527</u>
Total all funds	\$250,000	(\$5,357,572)
Less estimated income		<u>(857,572)</u>
General fund	\$250,000	(\$4,500,000)
FTE	0.00	(76.00)

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

² This amendment restores the Governor's recommendation that underfunds the department's general fund pay plan by 3 percent.

³ This amendment removes the funding and 65 FTE positions for the Governor's recommendation for a women's prison at the State Hospital LaHaug Building.

⁴ This amendment adds funding to contract to house all women inmates for the 2003-05 biennium.

⁵ This amendment removes 11 new FTE positions as follows:

- Field Services Division:
 - Removes two parole and probation officer II positions
- Adult Services Division:
 - Removes three FTE positions for the State Penitentiary
 - Removes six FTE positions for the James River Correctional Center
- New FTE positions remaining in the budget are:
 - 23 FTE positions for James River Correctional Center Phase II
 - 2 FTE positions for the assessment center
 - 1 FTE parole and probation officer

⁶ This amendment reduces the general fund amount for the Field Services Division and the Prisons Division.

This amendment also removes Section 4 of the bill, relating to supplemental general fund appropriation request for salaries and wages.

REPORT OF STANDING COMMITTEE

HB 1018: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1018 was placed on the Sixth order on the calendar.

Page 1, line 5, after "moneys" insert "in the general fund in the state treasury, not otherwise appropriated, and"

Page 1, line 9, replace "949,968" with "1,092,106"

Page 1, line 10, replace "313,621" with "3,299,168"

Page 1, line 11, replace "special funds appropriation" with "all funds" and replace "1,263,589" with "4,391,274"

Less estimated income	1,248,095
Total general fund appropriation	<u>\$3,143,179</u>

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1018 - Office of Administrative Hearings - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$949,968	\$142,138	\$1,092,106
Operating expenses	<u>313,621</u>	<u>2,985,547</u>	<u>3,299,168</u>
Total all funds	\$1,263,589	\$3,127,685	\$4,391,274
Less estimated income	<u>1,263,589</u>	<u>(15,494)</u>	<u>1,248,095</u>
General fund	\$0	\$3,143,179	\$3,143,179
FTE	8.00	1.00	9.00

Dept. 140 - Office of Administrative Hearings - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	INCREASES SALARIES AND ADDS FTE ²	ADDS FUNDING FOR INDIGENT DEFENSE FEES ³	DECREASES FUNDING FOR COMPUTER MAINTENANCE CONTRACT ⁴	TOTAL HOUSE CHANGES
Salaries and wages	(\$10,494)	\$152,632			\$142,138
Operating expenses			<u>\$2,990,547</u>	<u>(\$5,000)</u>	<u>2,985,547</u>
Total all funds	(\$10,494)	\$152,632	\$2,990,547	(\$5,000)	\$3,127,685
Less estimated income	<u>(10,494)</u>			<u>(5,000)</u>	<u>(15,494)</u>
General fund	\$0	\$152,632	\$2,990,547	\$0	\$3,143,179
FTE	0.00	1.00	0.00	0.00	1.00

¹ This amendment removes the Governor's recommendation for state employee salary increases.

² This amendment increases funding for salaries and wages and adds an FTE position for administering the indigent defense contracts.

³ This amendment adds funding for indigent defense fees, relating to the provisions of House Bill No. 1044, which transfers these responsibilities from the judicial branch.

⁴ This amendment decreases the operating line item by \$5,000 relating to a computer maintenance contract.

REPORT OF STANDING COMMITTEE

HB 1019: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to provide for a transfer to the general fund; to provide for a report to the budget section; to provide statements of legislative intent;" and after "program" insert "; to designate the department of commerce as the state's fiscal agent for workforce development programs; to amend and reenact section 57-38.5-03 of the North Dakota Century Code, relating to the seed capital investment tax credit; and to provide an effective date"

Page 1, line 10, replace "6,791,269" with "6,718,913"

Page 1, line 11, replace "8,842,124" with "8,442,124"

Page 1, line 12, replace "48,032,153" with "73,864,584"

Page 1, line 13, replace "6,770,557" with "5,483,385"

Page 1, line 14, replace "853,147" with "852,014"

Page 1, line 15, replace "71,289,250" with "95,361,020"

Page 1, line 16, replace "55,759,805" with "77,534,217"

Page 1, line 17, replace "15,529,445" with "17,826,803"

Page 1, line 23, replace "\$3,785,000" with "\$2,500,000"

Page 2, after line 11, insert:

"SECTION 6. WORKFORCE DEVELOPMENT PROGRAMS. The department of commerce is the fiscal agent and administrator of all workforce development and workforce training funds received by the state.

SECTION 7. GENERAL FUND TRANSFER. The industrial commission shall transfer to the general fund the sum of \$1,000,000 from the North Dakota student loan trust. The moneys must be transferred as requested by the director of the office of management and budget during the biennium beginning July 1, 2003, and ending June 30, 2005, 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.

SECTION 8. LEGISLATIVE INTENT - SEED CAPITAL - EARLY STAGE FINANCING. It is the intent of the legislative assembly that the state's seed capital investment tax credit be the primary focus to encourage the availability of seed capital or early stage financing for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 9. USE OF DEVELOPMENT FUND - ADMINISTRATIVE COSTS. Moneys in the development fund may be used for defraying the costs of administering the fund for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 10. ACCOUNTABILITY MEASURES - BUDGET SECTION REPORT. The commissioner of the department of commerce shall monitor and report annually to the budget section of the legislative council during the 2003-04 interim regarding:

1. North Dakota's number of primary sector jobs, average annual income, and gross state product reported as of December thirty-first of each year beginning in 2000.

2. The number of jobs created as a result of each of the department's economic development and finance programs and the state's investment, the average salary of the jobs created, private investment related to the jobs created, and the estimated related economic impact to the state.
3. The number of individuals trained and the number who become employed as a result of each of the department's workforce development and training programs, including the state's investment, the areas of occupational training, the average annual salary of those employed, and the amount of additional private investment in the state.

SECTION 11. LEGISLATIVE INTENT - PARTNERSHIPS WITH INDIAN TRIBES. It is the intent of the legislative assembly that the department of commerce assist in the creation of business partnerships with North Dakota Indian tribes in order to increase primary sector business growth on Indian reservations and other areas of the state for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 12. LEGISLATIVE INTENT - TOURISM LEARNING VACATIONS. It is the intent of the legislative assembly that the tourism division of the department of commerce establish, coordinate, and promote learning vacations in North Dakota for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 13. LEWIS AND CLARK INTERPRETIVE CENTER GRANT. The grants line item in section 1 of this Act includes \$100,000 from the general fund for the tourism division for the purpose of providing a grant to the North Dakota Lewis and Clark Bicentennial Foundation for costs associated with the Lewis and Clark interpretive center near Washburn for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 14. VISITOR RESCUE GRANTS. The grants line item in section 1 of this Act includes \$25,000 from the general fund for the tourism division for the purpose of reimbursing political subdivisions for extraordinary costs incurred in rescues of visitors to North Dakota tourist attractions for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 15. DEPARTMENT OF COMMERCE - NEW ECONOMY INITIATIVE RESTRICTION. The department of commerce may not spend any funds from any source in support of the new economy initiative during the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 16. AMENDMENT. Section 57-38.5-03 of the North Dakota Century Code is amended and reenacted as follows:

57-38.5-03. Seed capital investment tax credit. If a taxpayer makes a qualified investment in a qualified business, the taxpayer is entitled to a credit against state income tax liability under section 57-38-29 or 57-38-30.3. The amount of the credit to which a taxpayer is entitled is ~~thirty-fourty-five~~ percent of the amount invested by the taxpayer in qualified businesses during the taxable year, subject to the following:

1. The aggregate annual investment for which a taxpayer may obtain a tax credit under this section is not less than five thousand dollars and not more than ~~thirty~~ one hundred thousand dollars. This subsection may not be interpreted to limit additional investment by a taxpayer for which that taxpayer is not applying for a credit.
2. In any taxable year, a taxpayer may claim no more than ~~fifty percent~~ one-third of the credit under this section which is attributable to investments in a single taxable year.
3. Any amount of credit under this section not allowed because of the limitations in this section may be carried forward for up to four taxable years after the taxable year in which the investment was made.
4. A partnership that invests in a qualified business must be considered to be the taxpayer for purposes of the investment limitations in this section and the amount of the credit allowed with respect to a partnership's investment in a qualified business must be determined at the partnership level. The amount of the total credit determined at the partnership level must be allowed to the partners, limited to individuals, estates, and trusts, in proportion to their respective interests in the partnership.

5. The investment must be at risk in the business. An investment for which a credit is received under this section must remain in the business for at least three years.
6. Tax credits for investments in one qualified business may not exceed two hundred fifty thousand dollars.
7. The entire amount of an investment for which a credit is claimed under this section must be expended by the qualified business for plant, equipment, research and development, marketing and sales activity, or working capital for the qualified business.
8. A taxpayer who owns a controlling interest in the qualified business or whose full-time professional activity is the operation of the business is not entitled to a credit under this section. A member of the immediate family of a taxpayer disqualified by this subsection is not entitled to the credit under this section. For purposes of this subsection, "immediate family" means the taxpayer's spouse, parent, sibling, or child or the spouse of any such person.
9. The tax commissioner may disallow any credit otherwise allowed under this section if any representation by a business in the application for certification as a qualified business proves to be false or if the taxpayer or qualified business fails to satisfy any conditions under this section or any conditions consistent with this section otherwise determined by the tax commissioner. The amount of any credit disallowed by the tax commissioner that reduced the taxpayer's income tax liability for any or all applicable tax years, plus penalty and interest as provided under section 57-38-45, must be paid by the taxpayer.

SECTION 17. EFFECTIVE DATE. Section 16 of this Act is effective for taxable years beginning after December 31, 2003."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1019 - Department of Commerce - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$6,791,269	(\$72,356)	\$6,718,913
Operating expenses	8,842,124	(400,000)	8,442,124
Grants	48,032,153	25,832,431	73,864,584
Agricultural Products Utilization	6,770,557	(1,287,172)	5,483,385
Lewis and Clark Bicentennial	853,147	(1,133)	852,014
Total all funds	\$71,289,250	\$24,071,770	\$95,361,020
Less estimated income	55,759,805	21,774,412	77,534,217
General fund	\$15,529,445	\$2,297,358	\$17,826,803
FTE	57.00	0.00	57.00

Dept. 601 - Department of Commerce - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	ADDS WORKFORCE DEVELOPMENT PROGRAMS ²	REDUCES FUNDING FOR WORK FORCE 2000 ³	ADDS FUNDING FOR INTERNSHIP PROGRAM ⁴	CHANGES DEVELOPMENT FUND ADMINISTRATIVE COSTS ⁵	REDUCES DISCRETIONARY GRANTS ⁶
Salaries and wages	(\$72,356)					
Operating expenses						
Grants		\$26,032,431	(\$1,000,000)	\$1,000,000		(\$200,000)
Agricultural Products Utilization	(2,172)					
Lewis and Clark Bicentennial	(1,133)					
Total all funds	(\$75,661)	\$26,032,431	(\$1,000,000)	\$1,000,000	\$0	(\$200,000)
Less estimated income	(18,783)	22,679,570			398,625	
General fund	(\$56,878)	\$3,352,861	(\$1,000,000)	\$1,000,000	(\$398,625)	(\$200,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	REDUCES TOURISM MARKETING ⁷	REDUCES OPERATING FUNDS ⁸	REDUCES FUNDING FOR ETHANOL ⁹	TOTAL HOUSE CHANGES		

Salaries and wages				(\$72,356)
Operating expenses	(\$200,000)	(\$200,000)		(400,000)
Grants				25,832,431
Agricultural Products Utilization			(\$1,285,000)	(1,287,172)
Lewis and Clark Bicentennial				(1,133)
Total all funds	(\$200,000)	(\$200,000)	(\$1,285,000)	\$24,071,770
Less estimated income			(1,285,000)	21,774,412
General fund	(\$200,000)	(\$200,000)	\$0	\$2,297,358
FTE	0.00	0.00	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

² A section is added designating the Department of Commerce as the state's fiscal agent and administrator of all workforce development and workforce training funds. As a result, funding for the following programs is transferred to the Department of Commerce:

AGENCY/ PROGRAM	GENERAL FUND	FEDERAL FUNDS	SPECIAL FUNDS	TOTAL
Department of Human Services - Job opportunities and basic skills (JOBS)		\$8,225,614		\$8,225,614
Department of Human Services - Basic employment skills training (BEST)		391,198	\$7,500	398,698
Job Service - Work Force 2000	\$2,002,861			2,002,861
Job Service - Senior community service employment		1,070,352		1,070,352
Job Service - Trade adjustment assistance		99,800		99,800
Job Service - Workforce Investment Act		12,735,106		12,735,106
Job Service - New jobs training program			150,000	150,000
Board for Vocational and Technical Education - Workforce training contracts	1,350,000			1,350,000
Total	\$3,352,861	\$22,522,070	\$157,500	\$26,032,431

³ Funding for Work Force 2000 is reduced by \$1,000,000, from \$2,002,861 to \$1,002,861 from the general fund. The funding provided is to be used only in support of new businesses locating in North Dakota.

⁴ Funding is provided for grants for direct support of internships for students entering growth industries that have critical shortages of available employees. The department may require matching funds to be provided from targeted industries.

⁵ The funding source for the administrative costs of the development fund is changed from the general fund to the development fund.

⁶ Funding recommended by the Governor for the New Economy Initiative is removed. A new section is added precluding the department from spending any funds in support of the New Economy Initiative.

⁷ Funding for marketing in the Tourism Division is reduced by \$200,000 from the general fund.

⁸ Funding for operating expenses of the research, business development, and marketing programs of the Division of Economic Development and Finance is reduced by \$200,000 from the general fund.

⁹ Funding from the highway tax distribution fund for ethanol incentive payments is reduced by \$1,285,000, from \$3,785,000 to \$2,500,000.

Sections are added:

- Transferring \$1 million from the student loan trust fund to the general fund during the 2003-05 biennium.
- Providing legislative intent that the seed capital investment tax credit be the primary focus to encourage the availability of seed capital or early stage financing.
- Requiring the department to report annually to the Budget Section regarding select activities and outcomes of the department.
- Providing legislative intent that the department assist in the creation of business partnerships with North Dakota Indian tribes in order to increase primary sector business growth on the Indian reservations and other areas in the state.
- Providing legislative intent that the Tourism Division establish, coordinate, and promote North Dakota learning vacations.

- Increasing the maximum seed capital investment that is eligible for an individual income tax credit from \$50,000 to \$100,000, increasing the percentage of the investment that is allowed as a credit from 30 to 45 percent, and allocating the credit over three years rather than two years.
- Providing that the department use \$100,000 of the general fund appropriation provided for the director's discretionary grants to provide a grant to the North Dakota Lewis and Clark Bicentennial Foundation for costs associated with the Lewis and Clark Interpretive Center near Washburn.
- Providing that the department use up to \$25,000 of the general fund appropriation provided for the director's discretionary grants to reimburse political subdivisions for extraordinary costs incurred in rescues of visitors to North Dakota tourist attractions.

REPORT OF STANDING COMMITTEE

HB 1022: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1022 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert ", the state auditor, and the legislative council"

Page 1, line 3, after the semicolon insert "to provide for a general fund transfer; to provide legislative intent; to create and enact a new section to chapter 54-10 and a new subsection to section 54-59-05 of the North Dakota Century Code, relating to information technology responsibilities of the state auditor and information technology department wide area network service; to amend and reenact section 54-59-02 of the North Dakota Century Code, relating to responsibilities of the information technology department; to repeal section 54-59-13 of the North Dakota Century Code, relating to information technology reviews;"

Page 1, line 11, replace "26,012,849" with "25,736,848"

Page 1, line 14, replace "5,667,842" with "5,598,014"

Page 1, line 15, replace "796,655" with "764,028"

Page 1, line 17, replace "7,799,623" with "7,536,689"

Page 1, line 19, replace "716,097" with "687,314"

Page 1, line 20, replace "1,337,138" with "1,286,738"

Page 1, line 22, replace "108,189,267" with "107,468,694"

Page 1, line 23, replace "97,581,730" with "93,679,908"

Page 1, line 24, replace "10,607,537" with "13,788,786"

Page 2, line 3, replace "\$20,000,000" with "\$16,400,000"

Page 2, line 6, after the period insert "The amount of the evidences of indebtedness may be reduced by any moneys made available from the higher education institutions."

Page 2, line 19, replace "charges made and collected" with "funds made available" and replace "information technology" with "higher education institutions."

Page 2, replace line 20 with:

"SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$197,000, or so much of the sum as may be necessary, to the state auditor for the purpose of defraying costs associated with employing two information technology auditors, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$98,000, or so much of the sum as may be necessary, to the legislative council for the purpose of employing an information technology analyst and contracting for information technology analysis services, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 6. GENERAL FUND TRANSFER. The industrial commission shall transfer to the general fund the sum of \$3,000,000 from the North Dakota student loan trust. The moneys must be transferred as requested by the director of the office of management and budget during the biennium beginning July 1, 2003, and ending June 30, 2005, 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.

SECTION 7. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY COSTS - REDUCTIONS TO GENERAL FUND APPROPRIATIONS. It is the intent of the fifty-eighth legislative assembly that the 2003-05 biennium general fund appropriations for information technology expenditures included in agency and institution appropriation bills are to be reduced by a total of \$12,760,136, representing savings to be realized from information technology efficiencies and the elimination of duplicative programs, including personnel savings and savings relating to the purchase of software, information technology equipment, and contractual services for information technology development projects. The specific amounts will be reduced from each agency or institution appropriation prior to the conclusion of the fifty-eighth legislative assembly.

SECTION 8. A new section to chapter 54-10 of the North Dakota Century Code is created and enacted as follows:

Information technology responsibilities. The state auditor shall:

1. Conduct information technology compliance reviews by conducting individual agency audits of information technology management, information technology planning, compliance with information technology plans, and compliance with information technology standards and policies and conducting statewide agency audits of compliance with specific information technology standards and policies.
2. Consult with the information technology department on audits of compliance with information technology plans and compliance with information technology standards and policies.
3. Participate in the information technology department's enterprise architecture process for developing information technology standards and policies.
4. Monitor major information technology projects for compliance with project management and information technology standards and policies.
5. Present results of information technology compliance reviews to the information technology committee and the information technology department's enterprise architecture committee.

SECTION 9. AMENDMENT. Section 54-59-02 of the North Dakota Century Code is amended and reenacted as follows:

54-59-02. Information technology department - Responsibility- Public policy. The information technology department is established with the responsibility for all wide area network services planning, selection, and implementation for all state agencies, including institutions under the control of the board of higher education, counties, cities, and school districts in this state. With respect to a county, city, or school district, wide area network services are those services necessary to transmit voice, data, or video outside the county, city, or school district. In exercising its powers and duties, the department is responsible for computer support services, host software development, statewide communications services, standards for providing information to other state agencies and the public through the internet, technology planning, process redesign, and quality assurance. The department may not exercise its powers and duties in a manner that competes or otherwise interferes with the provision of telecommunications services to private, charitable, or nonprofit entities by privately or cooperatively owned telecommunications companies.

SECTION 10. A new subsection to section 54-59-05 of the North Dakota Century Code is created and enacted as follows:

May provide wide area network services to a state agency, city, county, school district, or other political subdivision of this state. The information

technology department may not provide wide area network services to any private, charitable, or nonprofit entity.

SECTION 11. REPEAL. Section 54-59-13 of the North Dakota Century Code is repealed."

Page 2, line 21, remove "of"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1022 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Information Technology Department			
Total all funds	\$108,189,267	(\$720,573)	\$107,468,694
Less estimated income	97,581,730	(3,901,822)	93,679,908
General fund	\$10,607,537	\$3,181,249	\$13,788,786
State Auditor			
Total all funds	\$0	\$197,000	\$197,000
Less estimated income			
General fund	\$0	\$197,000	\$197,000
Legislative Council			
Total all funds	\$0	\$98,000	\$98,000
Less estimated income			
General fund	\$0	\$98,000	\$98,000
Bill Total			
Total all funds	\$108,189,267	(\$425,573)	\$107,763,694
Less estimated income	97,581,730	(3,901,822)	93,679,908
General fund	\$10,607,537	\$3,476,249	\$14,083,786

House Bill No. 1022 - Information Technology Department - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$26,012,849	(\$276,001)	\$25,736,848
Operating expenses	33,120,860		33,120,860
Capital assets	5,323,000		5,323,000
Division of Independent Study	5,667,842	(69,828)	5,598,014
Educational Technology Council	796,655	(32,627)	764,028
EduTech	2,674,003		2,674,003
Wide area network	7,799,623	(262,934)	7,536,689
Enterprise resource planning system	20,000,000		20,000,000
Geographic information system	716,097	(28,783)	687,314
Prairie Public Broadcasting	1,337,138	(50,400)	1,286,738
Criminal justice information sharing	4,741,200		4,741,200
Total all funds	\$108,189,267	(\$720,573)	\$107,468,694
Less estimated income	97,581,730	(3,901,822)	93,679,908
General fund	\$10,607,537	\$3,181,249	\$13,788,786
FTE	248.20	0.00	248.20

Dept. 112 - Information Technology Department - Detail of House Changes

	REMOVES RECOMMENDED SALARY INCREASE 1	DECREASES FUNDING FROM THE GENERAL FUND 2	CHANGES FUNDING SOURCE 3	TOTAL HOUSE CHANGES
Salaries and wages	(\$276,001)			(\$276,001)
Operating expenses				
Capital assets				
Division of Independent Study	(37,828)	(\$32,000)		(69,828)
Educational Technology Council	(2,627)	(30,000)		(32,627)
EduTech				
Wide area network	(2,534)	(260,400)		(262,934)
Enterprise resource planning system				
Geographic information system	(1,583)	(27,200)		(28,783)
Prairie Public Broadcasting		(50,400)		(50,400)
Criminal justice information sharing				
Total all funds	(\$320,573)	(\$400,000)	\$0	(\$720,573)
Less estimated income	(301,822)		(3,600,000)	(3,901,822)
General fund	(\$18,751)	(\$400,000)	\$3,600,000	\$3,181,249

FTE 0.00 0.00 0.00 0.00

- ¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.
- ² This amendment reduces funding from the general fund for the following line items: Educational Technology Council (\$30,000), wide area network (\$260,400), geographic information system (\$27,200), Prairie Public Broadcasting (\$50,400), and the Division of Independent Study (\$32,000).
- ³ This amendment changes the funding source for the enterprise resource planning system initiative from \$20,000,000 of special funds (revenue bond proceeds) to \$3,600,000 from the general fund and \$16,400,000 from special funds (revenue bond proceeds or other available sources).

This amendment also:

- Amends Section 2 of the bill as introduced to change the bonding authority amount relating to the enterprise resource planning system initiative from \$20 million to \$16.4 million, and to provide that the amount of bonds may be reduced by any moneys made available from higher education institutions.
- Amends Section 3 of the bill as introduced to provide that the bond repayment is the responsibility of the higher education institutions.
- Adds a section providing for a transfer from the student loan trust fund to the general fund in the amount of \$3 million.
- Adds a section of legislative intent relating to information technology costs reductions to general fund appropriations.
- Adds a section creating a new section to Chapter 54-10 of the North Dakota Century Code (NDCC) relating to information technology responsibilities of the State Auditor.
- Adds a section amending NDCC Section 54-59-02 relating to Information Technology Department responsibilities.
- Adds a section creating a new subsection to NDCC Section 54-59-05 relating to Information Technology Department wide area network services.
- Repeals NDCC Section 54-59-13 relating to information technology reviews to be conducted by the Information Technology Department.

House Bill No. 1022 - State Auditor - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Information technology audits	_____	<u>\$197,000</u>	<u>\$197,000</u>
Total all funds	\$0	\$197,000	\$197,000
Less estimated income	_____	_____	_____
General fund	\$0	\$197,000	\$197,000
FTE	0.00	2.00	2.00

Dept. 117 - State Auditor - Detail of House Changes

	PROVIDES FUNDING FOR INFORMATION TECHNOLOGY AUDITORS ¹	TOTAL HOUSE CHANGES
Information technology audits	<u>\$197,000</u>	<u>\$197,000</u>
Total all funds	\$197,000	\$197,000
Less estimated income	_____	_____
General fund	\$197,000	\$197,000
FTE	2.00	2.00

¹ This amendment adds a new section to the bill appropriating \$197,000 from the general fund to the State Auditor for the purpose of defraying costs associated with employing two information technology auditors.

House Bill No. 1022 - Legislative Council - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Information technology analysis		\$98,000	\$98,000
Total all funds	\$0	\$98,000	\$98,000
Less estimated income			
General fund	\$0	\$98,000	\$98,000
FTE	0.00	1.00	1.00

Dept. 160 - Legislative Council - Detail of House Changes

	PROVIDES FUNDING FOR INFORMATION TECHNOLOGY ANALYSIS ¹	TOTAL HOUSE CHANGES
Information technology analysis	\$98,000	\$98,000
Total all funds	\$98,000	\$98,000
Less estimated income		
General fund	\$98,000	\$98,000
FTE	1.00	1.00

¹ This amendment adds a new section to the bill appropriating \$98,000 from the general fund to the Legislative Council for the purpose of employing an information technology analyst and contracting for information technology analysis services.

REPORT OF STANDING COMMITTEE

HB 1047: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1047 was placed on the Sixth order on the calendar.

Page 2, line 16, remove the overstrike over "~~established as~~"

Page 2, line 17, remove the overstrike over lines 17 through 19

Page 2, line 28, replace "of five dollars for each mile per hour over the limit." with:

<u>"1 - 10</u>	<u>\$ 3/each mph over limit</u>
<u>11 +</u>	<u>\$ 5/each mph over limit"</u>

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1072: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1072 was placed on the Sixth order on the calendar.

Page 4, line 23, after the underscored period insert "If a foreign order is registered, the clerk of district court shall transmit a copy of the order to the appropriate law enforcement agency."

Page 5, line 15, replace "A" with "C"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1086, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1086 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "**Students in state-identified schools or in a safety circumstance**" with "**Transfer of students - Responsibility of district of residence**"

Page 1, line 7, remove "**- Exception - Definitions**"

Page 1, replace lines 8 through 23 with:

"1. Notwithstanding the provisions of chapter 15.1-31, a student's parent may apply to a contiguous school district for admission of the student at any time during the school year if:

- a. The student was a victim of violence occurring within the school in which the student was enrolled and the violence was documented;
 - b. The superintendent of public instruction has declared the school in which the student was enrolled to be an unsafe school; or
 - c. The superintendent of public instruction has identified the school in which the student was enrolled as one that requires program improvement.
2. The school district receiving an application under subsection 1 shall review the application to ensure compliance with the provisions of subsection 1 and shall notify the student's parent and the student's school district of residence of the arrangements for the student's transfer within five days from the date the application was received.
 3. The student's school district of residence shall consider the student transferred as of the date of enrollment by the admitting district.
 4. Upon transfer of a student under this section, the board of the admitting district and the board of the student's school district of residence shall enter into a tuition agreement. The student's school district of residence shall reimburse the admitting district for all costs incurred by the admitting district in providing education for the student.
 5. The student's school district of residence shall transport the student to school in the admitting district or shall reimburse the admitting district for all costs incurred in transporting the student or providing for the transportation of the student to school in the admitting district.
 6. The provisions of this section are applicable to a student until the conclusion of the school year in which the superintendent of public instruction declares that the school in the student's district of residence is no longer an unsafe school or that the school no longer requires program improvement."

Page 2, remove lines 1 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1245: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1245 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 43-12.1-10 and a new section to chapter 43-12.1 of the North Dakota Century Code, relating to transitional nurse licensure and continuing education; to" and remove "subsection 10 of section 15-20.4-02,"

Page 1, line 3, after "programs" insert "; and to provide for application"

Page 1, remove lines 5 through 9

Page 3, line 6, overstrike "Students" and insert immediately thereafter "A student"

Page 3, line 7, replace "that meets the minimum standards for nursing education programs" with "preparing for initial or advanced licensure as a registered nurse or licensed practical nurse which is located in an institution of higher education that offers transferable credit"

Page 3, line 26, remove the overstrike over "~~education and~~"

Page 4, line 3, replace "Accept for licensure the graduates of" with "Establish standards for"

Page 4, line 4, replace "that are approved by the state board of higher education or" with "leading to licensure and collaborate with nursing education program approval organizations and accreditation organizations. The board may not restrict the offering in"

this state of nursing programs accredited by the national league for nursing accrediting commission, or the commission on collegiate nursing education"

Page 4, remove line 5

Page 4, line 6, remove "academic settings and offer transferable credit"

Page 4, line 8, overstrike "Establish standards for assessing the competence of licensees and registrants"

Page 4, line 9, overstrike "continuing in or returning to practice" and insert immediately thereafter "Approve for licensure graduates of nursing education programs that are recognized by the board or that are accredited by national nursing program accreditation organizations that are recognized by the board. However, a graduate of a nursing education program that is not located in the United States, Canada, or the United States' possessions or territories must have a baccalaureate degree in order to be licensed as a registered nurse. The board may not restrict the offering in this state of nursing programs accredited by the national league for nursing accrediting commission, incorporated, or the commission on collegiate nursing education"

Page 6, after line 26, insert:

"SECTION 5. A new subsection to section 43-12.1-10 of the North Dakota Century Code is created and enacted as follows:

An individual who holds a license as a transitional practical nurse or a transitional registered nurse on August 1, 2003, may renew that license for the 2004 licensure year. Effective with the 2005 licensure year, the board may not renew transitional licenses.

SECTION 6. A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

Continuing education requirements. The board shall adopt rules requiring every nurse licensed in the state to fulfill continuing education requirements. Before the board may renew a license, the licensee shall submit evidence to the board establishing that all continuing education requirements prescribed by the rules adopted by the board have been met. The continuing education requirements must be the same for all nurses, regardless of the type of nurse or the level of education.

SECTION 7. APPLICATION. The licensure requirements of section 6 of this Act are effective beginning with the 2005 licensure year."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1248: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (16 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1248 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1282, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1282 was placed on the Sixth order on the calendar.

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

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

Page 2, after line 26, insert:

"SECTION 4. EXPIRATION DATE. Section 2 of this Act is effective through July 31, 2005, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1347: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1347 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1358, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1358 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1397, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "The" with "Before the" and replace "may" with "enters a contract as provided under subsection 1, the board shall"

Page 1, line 14, replace "enter" with "not advertise to the general public its willingness to"

Page 1, line 15, remove "into a contract to prepare and"

Page 1, line 16, replace ", but may not advertise to the" with a period

Page 1, remove line 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1430, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1430 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1439: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1439 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new paragraph to subdivision b of subsection 3 of section 39-06.1-10; to amend and reenact subsection 7 of section 39-06.1-10, sections 39-08-01 and 39-09-02, and subsection 1 of section 39-20-04.1 of the North Dakota Century Code, relating to speed limits and consequences for driving while under the influence; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Driving while under 2 points
the influence, in violation of
39-08-01, with less than
eleven one-hundredths of one
percent by weight

SECTION 2. AMENDMENT. Subsection 7 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

7. The period of suspension imposed for a violation of section 39-08-01 or equivalent ordinance is:
 - a. Ninety-one days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation and the violation was for an alcohol concentration of at least eight one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight.

The director shall waive the suspension if the alcohol concentration was under eleven one-hundredths of one percent by weight and the person was not operating a commercial motor vehicle.

- b. One hundred eighty days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within five years preceding the last violation and the last violation was for an alcohol concentration of at least sixteen one-hundredths of one percent by weight.
- c. Three hundred sixty-five days if the operator's record shows the person has once violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation and the last violation is for an alcohol concentration of under sixteen one-hundredths of one percent by weight.
- e- d. Two years if the operator's record shows the person has at least ~~twice~~ once violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation and the last violation was for an alcohol concentration of at least sixteen one-hundredths of one percent by weight or if the operator's record shows the person has at least twice violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation and the last violation was for an alcohol concentration of at least eight one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight.
- e. Three years if the operator's record shows the person has at least twice violated section 39-08-01 or equivalent ordinance within the five years preceding the last violation and the last violation is for an alcohol concentration of at least sixteen one-hundredths of one percent by weight.

SECTION 3. AMENDMENT. Section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01. (Effective through July 31, 2003) Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle - Penalty.

- 1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

- 2. A person violating this section or equivalent ordinance is guilty of a class B misdemeanor for the first or second offense in a five-year period, of a class A misdemeanor for a third offense in a five-year period, of a class A misdemeanor for the fourth offense in a seven-year period, and of a

class C felony for a fifth or subsequent offense in a seven-year period. The minimum penalty for violating this section is as provided in subsection 4. The court shall take judicial notice of the fact that an offense would be a subsequent offense if indicated by the records of the director or may make a subsequent offense finding based on other evidence.

3. Upon conviction, the court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded for the duration of the period of suspension or revocation of the offender's driving privilege by the licensing authority. The impounded number plates must be sent to the director who must retain them for the period of suspension or revocation, subject to their disposition by the court.
4. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection. For purposes of this subsection, unless the context otherwise requires, "drug court program" means a district court-supervised treatment program approved by the supreme court which combines judicial supervision with alcohol and drug testing and chemical addiction treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for drug courts and the drug court program.
 - a. For a first offense, the sentence must include both a fine of at least two hundred fifty dollars and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - b. For a second offense within five years, the sentence must include at least five days' imprisonment or placement in a minimum security facility, of which forty-eight hours must be served consecutively, or thirty days' community service; a fine of at least five hundred dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - c. For a third offense within five years, the sentence must include at least sixty days' imprisonment or placement in a minimum security facility, of which forty-eight hours must be served consecutively; a fine of one thousand dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - d. For a fourth or subsequent offense within seven years, the sentence must include one hundred eighty days' imprisonment or placement in a minimum security facility, of which forty-eight hours must be served consecutively; a fine of one thousand dollars; and an order for addiction evaluation by an appropriate licensed treatment program.
 - e. The execution or imposition of sentence under this section may not be suspended or deferred under subsection 3 or 4 of section 12.1-32-02 for an offense subject to subdivision a or b. If the offense is subject to subdivision c or d, the district court may suspend a sentence, except for ten days' imprisonment, under subsection 3 or 4 of section 12.1-32-02 on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation. If the defendant is found to be in need of alcohol and substance abuse treatment and rehabilitation, the district court may order the defendant placed under the supervision and management of the department of corrections and rehabilitation and is subject to the conditions of probation under section 12.1-32-07. The district court shall require the defendant to complete alcohol and substance abuse treatment and rehabilitation under the direction of the drug court program as a condition of probation in accordance with rules adopted by the supreme court. If the district court finds that a defendant has failed to undergo an evaluation or complete treatment or has violated any condition of probation, the district court shall revoke the defendant's probation and shall sentence the defendant in accordance with this subsection.
 - f. For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section must be

considered a prior offense if such offense was committed within the time limitations specified in this subsection.

- g. If the penalty mandated by this section includes imprisonment or placement upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in the treatment must be credited as a portion of a sentence of imprisonment or placement under this section.
5. As used in subdivision b of subsection 4, the term "imprisonment" includes house arrest. As a condition of house arrest, a defendant may not consume alcoholic beverages. The house arrest must include a program of electronic home detention in which the defendant is tested at least twice daily for the consumption of alcohol. The defendant shall defray all costs associated with the electronic home detention. This subsection does not apply to individuals committed to or under the supervision and management of the department of corrections and rehabilitation.

(Effective after July 31, 2003) Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle - Penalty.

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has an alcohol concentration of at least ~~ten~~ eight one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

2. A person violating this section or equivalent ordinance is guilty of an infraction if the alcohol concentration is at least eight one-hundredths of one percent by weight and under eleven one-hundredths of one percent by weight for a first offense in a five-year period, of a class B misdemeanor if the alcohol concentration is at least eleven one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight for the first or second offense or if the alcohol concentration is at least eight one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight for a second offense in a five-year period, of a class A misdemeanor if the alcohol concentration is at least sixteen one-hundredths of one percent by weight for the first or the second offense within a five-year period or the alcohol concentration is at least eight one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight for a third or subsequent offense in a five-year period, of a class A misdemeanor for the fourth offense in a seven-year period, and of a class C felony if the alcohol concentration is at least sixteen one-hundredths of one percent by weight for a fifth or subsequent offense in a seven-year period. The minimum penalty for violating this section is as provided in subsection 4. The court shall take judicial notice of the fact that an offense would be a subsequent offense if

indicated by the records of the director or may make a subsequent offense finding based on other evidence.

3. Upon conviction, the court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded for the duration of the period of suspension or revocation of the offender's driving privilege by the licensing authority. The impounded number plates must be sent to the director who must retain them for the period of suspension or revocation, subject to their disposition by the court.
4. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection.
 - a. For a first offense, if the alcohol concentration was at at least eight one-hundredths of one percent by weight and under eleven one-hundredths of one percent by weight the sentence must include ~~both~~ a fine of at least one hundred dollars or if the alcohol concentration was at least eleven one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight a fine of at least two hundred fifty dollars, if the alcohol concentration was at least sixteen one-hundredths of one percent by weight a fine of at least five hundred dollars and in all cases an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - b. For a second offense within five years, the sentence must include at least five days' imprisonment or placement in a minimum security facility, of which forty-eight hours must be served consecutively, or thirty days' community service; if the alcohol concentration was at least eight one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight, a fine of at least five hundred dollars or if the alcohol concentration was at least sixteen one-hundredths of one percent by weight a fine of at least one thousand dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - c. For a third offense within five years, the sentence must include at least sixty days' imprisonment or placement in a minimum security facility, of which forty-eight hours must be served consecutively; if the alcohol concentration was at least eight one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight, a fine of at least one thousand dollars or if the alcohol concentration was at least sixteen one-hundredths of one percent by weight a fine of at least two thousand dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - d. For a fourth or subsequent offense within seven years, the sentence must include one hundred eighty days' imprisonment or placement in a minimum security facility, of which forty-eight hours must be served consecutively and a fine of ~~one~~ two thousand dollars.
 - e. The execution or imposition of sentence under this section may not be suspended or deferred under subsection 3 or 4 of section 12.1-32-02.
 - f. For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section must be considered a prior offense if such offense was committed within the time limitations specified in this subsection.
 - g. If the penalty mandated by this section includes imprisonment or placement upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in the treatment must be credited as a portion of a sentence of imprisonment or placement under this section.

5. As used in subdivision b of subsection 4, the term "imprisonment" includes house arrest. As a condition of house arrest, a defendant may not consume alcoholic beverages. The house arrest must include a program of electronic home detention in which the defendant is tested at least twice daily for the consumption of alcohol. The defendant shall defray all costs associated with the electronic home detention. This subsection does not apply to individuals committed to or under the supervision and management of the department of corrections and rehabilitation.

SECTION 4. 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, unless a lower speed is designated or posted by local authorities.
 - 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.

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.

SECTION 5. AMENDMENT. Subsection 1 of section 39-20-04.1 of the North Dakota Century Code is amended and reenacted as follows:

1. After the receipt of a person's operator's license, if taken under section 39-20-03.1 or 39-20-03.2, and the certified report of a law enforcement officer and if no written request for hearing has been received from the arrested person under section 39-20-05, or if that hearing is requested and the findings, conclusion, and decision from the hearing confirm that the law enforcement officer had reasonable grounds to arrest the person and test results show that the arrested person was driving or in physical control of a vehicle while having an alcohol concentration of at least ten one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of the performance of a test within two hours after driving or being in physical control of a motor vehicle, the director shall suspend the person's operator's license as follows:
 - a. For ninety-one days if the person's driving record shows that, within the five years preceding the date of the arrest, the person has not previously violated section 39-08-01 or equivalent ordinance or the person's operator's license has not previously been suspended or revoked under this chapter and the violation was for an alcohol concentration of at least eight one-hundredths of one percent by weight and under sixteen one-hundredths of one percent by weight. The director shall waive the suspension if the alcohol concentration was under eleven one-hundredths of one percent by weight and the person was not operating a commercial motor vehicle.
 - b. For one hundred eighty days if the operator's record shows the person has not violated section 39-08-01 or equivalent ordinance within five years preceding the last violation and the last violation was for an alcohol concentration of at least sixteen one-hundredths of one percent by weight.
 - c. For three hundred sixty-five days if the person's driving record shows that, within the five years preceding the date of the arrest, the person has once previously violated section 39-08-01 or equivalent ordinance or the person's operator's license has once previously been suspended or revoked under this chapter with the last violation or suspension for an alcohol concentration under sixteen one-hundredths of one percent by weight.
 - e- d. For two years if the person's driving record shows that within the five years preceding the date of the arrest, the person's operator's license has ~~at least twice previously~~ once been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests with the last violation or suspension for an alcohol concentration at least sixteen one-hundredths of one percent by weight or if the person's driving record shows that within the five years preceding the date of arrest, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests with the last violation or suspension for an alcohol concentration of under sixteen one-hundredths of one percent by weight.

- e. For three years if the operator's record shows that within five years preceding the date of the arrest, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests and the last violation or suspension was for an alcohol concentration of at least sixteen one-hundredths of one percent by weight."

Renumber accordingly

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, February 19, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk