

## JOURNAL OF THE SENATE

## Fifty-eighth Legislative Assembly

\* \* \* \* \*

Bismarck, April 21, 2003

The Senate convened at 9:30 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Mathern.

The roll was called and all members were present except Senators Nichols and Seymour.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 1449, replace lines 28-32 with:

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1005 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1005:** Reps. Skarphol; Svedjan; Glassheim

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

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KRINGSTAD MOVED** that the conference committee report on Engrossed SB 2007 as printed on SJ pages 1450-1451 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2007, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

## ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Seymour

Reengrossed SB 2007 passed and the title was agreed to.

\*\*\*\*\*

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. NOTHING MOVED** that the conference committee report on Engrossed SB 2358 as printed on SJ pages 1451-1454 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2358, as amended, was placed on the Eleventh order.

### SECOND READING OF SENATE BILL

**SB 2358:** A BILL for an Act to create and enact section 49-16-01.1 of the North Dakota Century Code, relating to indemnity provisions on use of railroad rights of way; to amend and reenact sections 49-16-05, 60-06-06.1, and 60-06-15 of the North Dakota Century Code, relating to prohibition of railroad indemnity agreements in right-of-way leases; to provide for a legislative council study; and to provide for application.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Cook

**ABSENT AND NOT VOTING:** Seymour

Reengrossed SB 2358 passed and the title was agreed to.

\*\*\*\*\*

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2033, SB 2065, SB 2190, SB 2311, SB 2345, SB 2403, SB 2418.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2007, SB 2358.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1010, HB 1013.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause failed: HB 1047.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1295, HB 1421, HCR 3039.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2029, SB 2083, SB 2135, SB 2248, SB 2249.

### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

### SECOND READING OF HOUSE BILL

**HB 1158:** A BILL for an Act to amend and reenact section 4-28-03, subsections 18, 19, and 28 of section 19-18-02, and sections 19-18-04, 19-18-04.1, and 19-18-07 of the North Dakota Century Code, relating to pesticide registrations; to repeal section 19-18-02.2 of the North Dakota Century Code, relating to wheat commission membership and a pesticide residue advisory board; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**NAYS:** Nichols

**ABSENT AND NOT VOTING:** Seymour

HB 1158, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**HB 1047, as engrossed:** Your conference committee (Sens. Trenbeath, Espegard, Taylor and Reps. Weisz, Ruby, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1188-1189, adopt amendments as follows, and place HB 1047 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and pages 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1047 be amended as follows:

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections", and after the fourth comma insert "39-09-02,"

Page 1, line 2, remove "the fees for"

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

Page 2, line 15, remove the overstrike over "~~subsections 7~~", after the first overstruck comma insert "and", remove the overstrike over "~~44~~", and remove "subsection 10"

Page 2, remove the overstrike over lines 20 through 27

Page 2, remove lines 28 and 29

Page 3, line 6, after the first "~~on~~" insert "On" and remove the overstrike over "~~a highway on which the speed limit is a~~"

Page 3, remove the overstrike over lines 7 through 10

Page 3, line 11, remove the overstrike over "~~4~~", after "~~5~~" insert "10", after "~~\$1/each~~" insert "\$2/each", and remove the overstrike over "~~mph over limit~~"

Page 3, line 13, remove the overstrike over "~~44~~", after "~~45~~" insert "±", remove the overstrike over the overstruck dollar symbol, after "~~25~~" insert "20", remove the overstrike over "~~plus~~", after "~~\$3/each~~" insert "\$5/each", and remove the overstrike over "~~mph over 10 mph over limit~~"

Page 3, line 19, remove the overstrike over "~~8:~~"

Page 3, line 20, remove the overstrike over "~~9:~~" and remove "8."

Page 3, line 22, remove the overstrike over "~~40:~~" and remove "9."

Page 4, line 6, remove the overstrike over "~~44. On a highway on which the speed limit is posted in excess of~~", after "~~seventy~~" insert "sixty-five", and remove the overstrike over "~~miles~~"

Page 4, line 7, remove the overstrike over the overstruck left bracket, after "~~442.65~~" insert "104.61", and remove the overstrike over "~~kilometers] an hour, for a violation of section 39-09-02, or equivalent~~"

Page 4, line 8, remove the overstrike over "~~ordinance, a fee~~"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, remove the overstrike over "42-" and remove "10."

Page 4, after line 29, insert:

**"SECTION 3. AMENDMENT.** Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of ~~seventy~~ sixty-five miles [~~112.65~~ 104.61 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over lawful speed limit	Points
1 - 5	0
6 - 10	1
11 - 15	<u>2</u> <del>3</del>
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15"

Page 6, after line 12, insert:

**"SECTION 6. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code as amended in section 1 of House Bill No. 1046, as approved by the fifty-eighth legislative assembly, 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 county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
  - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~and on paved and divided multilane highways~~ if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
  - h. Seventy miles [112.65 kilometers] an hour on ~~access-controlled, paved and divided, multilane interstate~~ highways, unless otherwise permitted, restricted, or required by conditions.
  - i. Seventy-five miles [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."

Page 7, after line 30, insert:

"**SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure."

ReNUMBER accordingly

Reengrossed HB 1047 was placed on the Seventh order of business on the calendar.

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

**SEN. TRENBEATH MOVED** that the conference committee report on Engrossed HB 1047 be adopted.

#### **REQUEST**

**SEN. EVERY REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1047, which request was granted.

#### **ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed HB 1047, the roll was called and there were 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nelson; O'Connell; Polovitz; Schobinger; Stenehjorn; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Andrist; Christenson; Mathern; Nothing; Nichols; Robinson; Taylor

**ABSENT AND NOT VOTING:** Seymour

The conference committee report on Engrossed HB 1047 was adopted.

Engrossed HB 1047, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1047:** A BILL for an Act to amend and reenact sections 39-06.1-05 and 39-06.1-06, paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections 39-07-09, 39-08-21, 39-09-02, 39-21-16, and 39-21-46 of the North Dakota Century Code, relating to driving in excess of the speed limit.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Bowman; Brown; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nelson; Polovitz; Schobinger; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Andrist; Christenson; Christmann; Every; Fairfield; Heitkamp; Kilzer; Krauter; Mathern; Nething; Nichols; O'Connell; Robinson; Taylor

**ABSENT AND NOT VOTING:** Seymour

Engrossed HB 1047, as amended, passed and the title was agreed to.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**SB 2001, as engrossed:** Your conference committee (Sens. Kilzer, Thane, Tallackson and Reps. Koppelman, Thoreson, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1115-1116, adopt amendments as follows, and place SB 2001 on the Seventh order:

That the House recede from its amendments as printed on pages 1115 and 1116 of the Senate Journal and pages 1231 and 1232 of the House Journal and that Engrossed Senate Bill No. 2001 be amended as follows:

Page 1, line 6, after the second comma insert "and from special funds derived from federal funds and other income,"

Page 1, line 9, replace "2,011,604" with "2,009,850"

Page 1, line 10, replace "269,944" with "265,736"

Page 1, line 17, replace "3,117,848" with "3,111,886"

Page 1, line 19, replace "2,337,848" with "2,331,886"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2001 - Governor's Office - Conference Committee Action**

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$2,034,197	\$2,011,604	(\$1,754)	\$2,009,850	\$2,009,850	
Operating expenses	269,944	269,944	(4,208)	265,736	253,112	\$12,624
Grants	760,000	760,000		760,000	760,000	
Contingencies	10,000	10,000		10,000	10,000	
Rough Rider Awards	10,800	10,800		10,800	10,800	
Presidential electors	500	500		500	500	
Governor's transition in	15,000	15,000		15,000	15,000	
Governor's transition out	<u>40,000</u>	<u>40,000</u>		<u>40,000</u>	<u>40,000</u>	
Total all funds	\$3,140,441	\$3,117,848	(\$5,962)	\$3,111,886	\$3,099,262	\$12,624
Less estimated income	<u>780,000</u>	<u>780,000</u>		<u>780,000</u>	<u>780,000</u>	
General fund	\$2,360,441	\$2,337,848	(\$5,962)	\$2,331,886	\$2,319,262	\$12,624
FTE	16.30	16.30	1.70	18.00	18.00	0.00

**Dept. 101 - Governor's Office - Detail of Conference Committee Changes**

	RESTORES POSITIONS <sup>1</sup>	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>2</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>3</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		(\$1,754)		(\$1,754)
Operating expenses			(\$4,208)	(4,208)
Grants				
Contingencies				
Rough Rider Awards				
Presidential electors				
Governor's transition in				
Governor's transition out				
Total all funds	\$0	(\$1,754)	(\$4,208)	(\$5,962)
Less estimated income				
General fund	\$0	(\$1,754)	(\$4,208)	(\$5,962)
FTE	1.70	0.00	0.00	1.70

<sup>1</sup> This amendment restores the 1.7 FTE positions removed in the executive budget but not the funding for the positions, the same as the House version.

<sup>2</sup> Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.

<sup>3</sup> This amendment reduces funding for information technology by \$4,208 from the general fund, which represents a reduction in information technology funding of approximately 5 percent.

Engrossed SB 2001 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KILZER MOVED** that the conference committee report on Engrossed SB 2001 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2001, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Nelson

**ABSENT AND NOT VOTING:** Seymour

Reengrossed SB 2001 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**SB 2002, as engrossed:** Your conference committee (Sens. Andrist, Kilzer, Tallackson and Reps. Thoreson, Glassheim, Koppelman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1127-1128, adopt amendments as follows, and place SB 2002 on the Seventh order:

That the House recede from its amendments as printed on pages 1127 and 1128 of the Senate Journal and pages 1232 and 1233 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 2, after "printing" insert "; to provide an exemption; and to declare an emergency"

Page 1, line 6, after the second comma insert "and from special funds derived from federal funds and other income,"

Page 1, line 11, replace "2,156,301" with "2,153,618"

Page 1, line 12, replace "2,112,497" with "2,025,589"

Page 1, line 14, replace "5,000,000" with "9,500,000"

Page 1, line 15, replace "9,276,798" with "13,687,207"

Page 1, line 16, replace "5,399,913" with "9,880,363"

Page 1, line 17, replace "3,876,885" with "3,806,844"

Page 1, line 22, replace "4,212,885" with "4,142,844"

Page 1, line 23, replace "5,399,913" with "9,880,363"

Page 1, line 24, replace "9,612,798" with "14,023,207"

Page 1, after line 24, insert:

**"SECTION 2. EXEMPTION.** The appropriation contained in subdivision 1 of section 1 of chapter 2 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$105,000, and this amount may be used as state matching funds for federal election reform funding available to the state, for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 3. EMERGENCY.** The election reform line item in subdivision 1 of section 1 and section 2 of this Act are declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2002 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
<b>Secretary of State</b>						
Total all funds	\$9,302,779	\$9,276,798	\$4,410,409	\$13,687,207	\$13,504,685	\$182,522
Less estimated income	5,399,913	5,399,913	4,480,450	9,880,363	9,899,913	(19,550)
General fund	\$3,902,866	\$3,876,885	(\$70,041)	\$3,806,844	\$3,604,772	\$202,072
<b>Public Printing</b>						
Total all funds	\$336,000	\$336,000	\$0	\$336,000	\$336,000	\$0
Less estimated income						
General fund	\$336,000	\$336,000	\$0	\$336,000	\$336,000	\$0
<b>Bill Total</b>						
Total all funds	\$9,638,779	\$9,612,798	\$4,410,409	\$14,023,207	\$13,840,685	\$182,522
Less estimated income	5,399,913	5,399,913	4,480,450	9,880,363	9,899,913	(19,550)
General fund	\$4,238,866	\$4,212,885	(\$70,041)	\$4,142,844	\$3,940,772	\$202,072

#### Senate Bill No. 2002 - Secretary of State - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
<b>Salaries and wages</b>						
Operating expenses	\$2,178,282	\$2,156,301	(\$2,683)	\$2,153,618	\$2,153,618	
Petition review	2,112,497	2,112,497	(86,908)	2,025,589	1,843,067	\$182,522
Election reform	12,000	8,000		8,000	8,000	
	5,000,000	5,000,000	4,500,000	9,500,000	9,500,000	
Total all funds	\$9,302,779	\$9,276,798	\$4,410,409	\$13,687,207	\$13,504,685	\$182,522
Less estimated income	5,399,913	5,399,913	4,480,450	9,880,363	9,899,913	(19,550)
General fund	\$3,902,866	\$3,876,885	(\$70,041)	\$3,806,844	\$3,604,772	\$202,072
FTE	26.00	26.00	1.00	27.00	27.00	0.00

#### Dept. 108 - Secretary of State - Detail of Conference Committee Changes

	INCREASES ELECTION REFORM FUNDING <sup>1</sup>	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>2</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>3</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		(\$2,683)		(\$2,683)
Operating expenses			(\$86,908)	(86,908)
Petition review				
Election reform	\$4,500,000			4,500,000



Total all funds	\$4,500,000	(\$2,683)	(\$86,908)	\$4,410,409
Less estimated income	<u>4,500,000</u>		<u>(19,550)</u>	<u>4,480,450</u>
General fund	\$0	(\$2,683)	(\$67,358)	(\$70,041)
FTE	1.00	0.00	0.00	1.00

<sup>1</sup> The election reform line item is increased by \$4.5 million of federal funds for election reform activities. An additional FTE position (office assistant III) is authorized only for the period of time that federal funds are available to provide for the cost of the position. The House also made these changes.

<sup>2</sup> Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.

<sup>3</sup> This amendment reduces funding for information technology by \$86,908, of which \$67,358 is from the general fund and \$19,550 is from the Secretary of State's general services operating fund, which represents a reduction in information technology funding of approximately 5 percent.

An emergency clause section is added allowing the funding appropriated in the election reform line item to be spent prior to July 1, 2003, the same as the House version.

A section is added allowing the Secretary of State to continue up to \$105,000 of the Secretary of State's 2001-03 biennium general fund appropriation for the purpose of providing state matching funds for federal election reform funding during the 2003-05 biennium. The House also added this section. The Secretary of State's 2001-03 biennium unspent general fund appropriation authority is anticipated to total \$55,000 after this adjustment and excluding unspent appropriation authority relating to Public Printing.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed SB 2002 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2002, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide an exemption; and to declare an emergency.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Seymour

Reengrossed SB 2002 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**SB 2003, as engrossed:** Your conference committee (Sens. Kringstad, Holmberg, Mathern and Reps. Carlisle, Timm, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1128-1130, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1128-1130 of the Senate Journal and pages 1233-1235 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 3, replace "and" with "to provide a contingent appropriation; to provide an exemption;"

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

Page 1, line 11, replace "18,246,035" with "18,461,301"

Page 1, line 12, replace "8,025,869" with "7,995,471"

Page 1, line 18, replace "34,058,823" with "34,243,691"

Page 1, line 19, replace "17,444,577" with "17,429,474"

Page 1, line 20, replace "16,614,246" with "16,814,217"

Page 1, after line 20, insert:

**"SECTION 2. CONTINGENT APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$240,000, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying the expenses of defending the state's school finance system for the biennium beginning July 1, 2003, and ending June 30, 2005. These funds may be spent only if the attorney general is required to defend the state in a lawsuit involving the state's school finance system during the 2003-05 biennium.

**SECTION 3. EXEMPTION.** The appropriation contained in section 1 of chapter 3 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$66,000, and this amount may be used by the attorney general for defraying the expenses associated with conducting criminal background checks during the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 4. ATTORNEY GENERAL REFUND FUND - EXCEPTION.** Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2003."

Page 2, after line 26, insert:

**"SECTION 10. EMERGENCY.** Sections 3 and 4 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2003 - Attorney General - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$18,294,636	\$18,246,035	\$215,266	\$18,461,301	\$18,461,301	
Operating expenses	7,831,087	8,025,869	(30,398)	7,995,471	7,738,043	\$257,428
Capital assets	1,784,250	1,830,250		1,830,250	1,830,250	
Grants	5,841,560	5,891,560		5,891,560	5,891,560	
Litigation fees	50,000	50,000		50,000	50,000	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	5,109	5,109		5,109	5,109	
Contingent appropriation			<u>240,000</u>	<u>240,000</u>	<u>240,000</u>	
Total all funds	\$33,816,642	\$34,058,823	\$424,868	\$34,483,691	\$34,226,263	\$257,428
Less estimated income	<u>17,349,237</u>	<u>17,444,577</u>	<u>(15,103)</u>	<u>17,429,474</u>	<u>17,537,418</u>	<u>(107,944)</u>
General fund	\$16,467,405	\$16,614,246	\$439,971	\$17,054,217	\$16,688,845	\$365,372
FTE	171.00	171.00	11.00	182.00	176.00	6.00

#### Dept. 125 - Attorney General - Detail of Conference Committee Changes

	ADDS CONTINGENT APPROPRIATION <sup>1</sup>	ADDS FUNDING FOR BACKGROUND CHECKS <sup>2</sup>	RESTORES FUNDING FOR TRAINING POSITION <sup>3</sup>	ADDS NEW POSITIONS <sup>4</sup>	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>5</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>6</sup>
Salaries and wages		\$130,600	\$102,416		(\$17,750)	
Operating expenses		49,400	31,584			(\$111,382)
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						

Contingent appropriation	<u>\$240,000</u>					
Total all funds	\$240,000	\$180,000	\$134,000	\$0	(\$17,750)	(\$111,382)
Less estimated income					<u>(2,174)</u>	<u>(12,929)</u>
General fund	\$240,000	\$180,000	\$134,000	\$0	(\$15,576)	(\$98,453)
FTE	0.00	2.00	1.00	2.00	0.00	0.00

	RECOGNIZES POSITIONS FOR LOTTERY 7	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		\$215,266
Operating expenses		(30,398)
Capital assets		
Grants		
Litigation fees		
Arrest and return of fugitives		
Gaming Commission		
Contingent appropriation		<u>240,000</u>
Total all funds	\$0	\$424,868
Less estimated income		<u>(15,103)</u>
General fund	\$0	\$439,971
FTE	6.00	11.00

1 A section is added providing a \$240,000 contingent general fund appropriation for defending the state's school finance system if a lawsuit is filed during the 2003-05 biennium, the same as the House version.

2 Funding is added for two FTE identification technician positions for conducting additional criminal background checks during the 2003-05 biennium, the same as the House version.

3 The executive budget removed two FTE law enforcement training positions. The Senate restored one of the two positions. The House restored the other position with approximately 50 percent of the funding for the position being from the general fund and approximately 50 percent from an increase in peace officer license fees. This amendment restores the second position with funding from the general fund.

4 Section 4 is added allowing the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$594,984 rather than transferring the balance to the general fund. The March 2003 general fund revenue forecast did not anticipate any funds being transferred from the refund fund on June 30, 2003. The Attorney General will use \$394,984 of the funding to hire two additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations and \$200,000 for legal services relating to the State Water Commission. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.

5 Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month, the same as the House version.

6 This amendment reduces funding for information technology by \$111,382, of which \$98,453 is from the general fund and \$12,929 is from the Attorney General's operating fund, which represents a reduction in information technology funding from the general fund and special funds of approximately 5 percent.

7 An additional six FTE positions are authorized for administering the North Dakota lottery pursuant to provisions of House Bill No. 1243. Funding for the positions and other operating costs of the lottery are appropriated to the Attorney General pursuant to a continuing appropriation in House Bill No. 1243.

Section 3 is added allowing the Attorney General to continue up to \$66,000 of the Attorney General's 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting additional criminal background checks during the 2003-05 biennium, the same as the House version.

An emergency clause is added relating to Sections 3 and 4 which were added by this amendment, the same as the House version.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KRINGSTAD MOVED** that the conference committee report on Engrossed SB 2003 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2003, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to amend and reenact subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to administration of gaming stamps; to provide a contingent appropriation; to provide an exemption; to provide for racing commission expenses; and to declare an emergency.

**ROLL CALL**

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

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

**NAYS:** Bercier; Fairfield

Reengrossed SB 2003 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**SB 2011, as engrossed:** Your conference committee (Sens. Schobinger, Christmann, Robinson and Reps. Skarphol, Svedjan, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1123, adopt amendments as follows, and place SB 2011 on the Seventh order:

That the House recede from its amendments as printed on page 1123 of the Senate Journal and page 1244 of the House Journal and that Engrossed Senate Bill No. 2011 be amended as follows:

Page 1, line 10, replace "926,349" with "925,523"

Page 1, line 11, replace "468,142" with "466,222"

Page 1, line 12, replace "1,394,491" with "1,391,745"

Page 1, line 14, replace "1,082,911" with "1,080,165"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2011 - Securities Commissioner - Conference Committee Action**

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$936,741	\$926,349	(\$826)	\$925,523	\$925,523	
Operating expenses	<u>468,142</u>	<u>468,142</u>	<u>(1,920)</u>	<u>466,222</u>	<u>460,462</u>	<u>\$5,760</u>
Total all funds	\$1,404,883	\$1,394,491	(\$2,746)	\$1,391,745	\$1,385,985	\$5,760
Less estimated income	<u>311,580</u>	<u>311,580</u>		<u>311,580</u>	<u>311,580</u>	
General fund	\$1,093,303	\$1,082,911	(\$2,746)	\$1,080,165	\$1,074,405	\$5,760
FTE	8.00	8.00	0.00	8.00	8.00	0.00

**Dept. 414 - Securities Commissioner - Detail of Conference Committee Changes**

	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>1</sup>	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>2</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		(\$826)	(\$826)
Operating expenses	<u>(\$1,920)</u>		<u>(1,920)</u>
Total all funds	(\$1,920)	(\$826)	(\$2,746)
Less estimated income			
General fund	(\$1,920)	(\$826)	(\$2,746)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for information technology by \$1,920 from the general fund, which represents a reduction in information technology funding of approximately 5 percent.

<sup>2</sup> Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.

Engrossed SB 2011 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. SCHOBINGER MOVED** that the conference committee report on Engrossed SB 2011 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2011, as amended, was placed on the Eleventh order.

### SECOND READING OF SENATE BILL

**SB 2011:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

### ROLL CALL

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

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

Reengrossed SB 2011 passed and the title was agreed to.

\*\*\*\*\*

### REPORT OF CONFERENCE COMMITTEE

**SB 2014, as engrossed:** Your conference committee (Sens. Schobinger, Christmann, Robinson and Reps. Skarphol, Svedjan, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1123-1124, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on pages 1123 and 1124 of the Senate Journal and pages 1244 and 1245 of the House Journal and that Engrossed Senate Bill No. 2014 be amended as follows:

Page 1, line 10, replace "3,234,714" with "3,226,255"

Page 1, line 11, replace "2,445,011" with "2,443,532"

Page 1, line 12, replace "789,703" with "782,723"

ReNUMBER accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2014 - Protection and Advocacy Project - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Protection and advocacy services	<u>\$3,259,812</u>	<u>\$3,234,714</u>	<u>(\$8,459)</u>	<u>\$3,226,255</u>	<u>\$3,208,929</u>	<u>\$17,326</u>
Total all funds	\$3,259,812	\$3,234,714	(\$8,459)	\$3,226,255	\$3,208,929	\$17,326
Less estimated income	<u>2,459,138</u>	<u>2,445,011</u>	<u>(1,479)</u>	<u>2,443,532</u>	<u>2,443,532</u>	
General fund	\$800,674	\$789,703	(\$6,980)	\$782,723	\$765,397	\$17,326
FTE	24.50	24.50	0.00	24.50	24.50	0.00

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

REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL CONFERENCE COMMITTEE CHANGES
--	--	------------------------------------

Protection and advocacy services	(\$2,683)	(\$5,776)	(\$8,459)
Total all funds	(\$2,683)	(\$5,776)	(\$8,459)
Less estimated income	(1,479)	_____	(1,479)
General fund	(\$1,204)	(\$5,776)	(\$6,980)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

<sup>2</sup> This amendment reduces funding for information technology by \$5,776 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.

Engrossed SB 2014 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. SCHOBINGER MOVED** that the conference committee report on Engrossed SB 2014 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2014, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

#### ROLL CALL

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

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

Reengrossed SB 2014 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**SB 2017, as engrossed:** Your conference committee (Sens. Schobinger, Christmann, Robinson and Reps. Skarphol, Svedjan, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1125-1126, adopt amendments as follows, and place SB 2017 on the Seventh order:

That the House recede from its amendments as printed on pages 1125 and 1126 of the Senate Journal and pages 1246 and 1247 of the House Journal and that Engrossed Senate Bill No. 2017 be amended as follows:

Page 1, line 10, replace "3,572,028" with "3,568,516"

Page 1, line 11, replace "2,685,827" with "2,681,667"

Page 1, line 14, replace "193,120" with "193,020"

Page 1, line 16, replace "6,323,730" with "6,318,364"

Page 1, line 17, replace "15,376,042" with "15,370,985"

Page 1, line 18, replace "275,456" with "275,146"

Page 1, line 19, replace "29,908,204" with "29,889,699"

Page 1, line 20, replace "20,728,749" with "20,718,716"

Page 1, line 21, replace "9,179,455" with "9,170,983"

Page 1, line 23, replace "\$70,843" with "\$70,770"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2017 - Adjutant General - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$3,607,007	\$3,572,028	(\$3,512)	\$3,568,516	\$3,568,516	
Operating expenses	2,685,827	2,685,827	(4,160)	2,681,667	2,669,188	\$12,479
Capital assets	144,987	144,987		144,987	144,987	
Grants	329,514	329,514		329,514	329,514	
Civil Air Patrol	193,918	193,120	(100)	193,020	193,020	
Tuition and enlistment compensation	1,007,500	1,007,500		1,007,500	1,007,500	
Air Guard contract	6,376,811	6,323,730	(5,366)	6,318,364	6,318,364	
Army Guard contract	15,422,702	15,376,042	(5,057)	15,370,985	15,370,985	
Veterans' Cemetery	<u>278,094</u>	<u>275,456</u>	<u>(310)</u>	<u>275,146</u>	<u>275,146</u>	
Total all funds	\$30,046,360	\$29,908,204	(\$18,505)	\$29,889,699	\$29,877,220	\$12,479
Less estimated income	<u>20,824,132</u>	<u>20,728,749</u>	<u>(10,033)</u>	<u>20,718,716</u>	<u>20,718,716</u>	
General fund	\$9,222,228	\$9,179,455	(\$8,472)	\$9,170,983	\$9,158,504	\$12,479
FTE	139.00	139.00	0.00	139.00	139.00	0.00

## Dept. 540 - Adjutant General - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>2</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$3,512)		(\$3,512)
Operating expenses		(\$4,160)	(4,160)
Capital assets			
Grants			
Civil Air Patrol	(100)		(100)
Tuition and enlistment compensation			
Air Guard contract	(5,366)		(5,366)
Army Guard contract	(5,057)		(5,057)
Veterans' Cemetery	<u>(310)</u>		<u>(310)</u>
Total all funds	(\$14,345)	(\$4,160)	(\$18,505)
Less estimated income	<u>(10,033)</u>		<u>(10,033)</u>
General fund	(\$4,312)	(\$4,160)	(\$8,472)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for state employee health insurance premiums from \$493 to \$488.70 per month.

<sup>2</sup> This amendment reduces funding for information technology by \$4,160 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent. The House had reduced funding for information technology by \$16,639 from the general fund, a reduction of approximately 20 percent.

Engrossed SB 2017 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SCHOBINGER MOVED** that the conference committee report on Engrossed SB 2017 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2017, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; and to provide an exemption to section 54-44.1-11 relating to unexpended appropriations.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour;

Stenehjelm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

Reengrossed SB 2017 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**HB 1013, as engrossed:** Your conference committee (Sens. Bowman, Kringstad, Robinson and Reps. Koppelman, Thoreson, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1350-1353, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1350-1353 of the House Journal and pages 1174-1177 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 4, replace "section" with "sections" and after "47-30.1-18" insert ", 47-30.1-21.1, and 47-30.1-24 and subsection 1 of section 47-30.1-35"

Page 1, line 5, replace "notice of abandoned property" with "the enforcement of the Uniform Unclaimed Property Act"

Page 1, line 13, replace "1,878,020" with "1,876,162"

Page 1, line 14, replace "812,572" with "722,572"

Page 1, line 17, replace "100,000" with "50,000"

Page 1, line 18, replace "7,715,692" with "7,573,834"

Page 3, remove lines 24 and 25

Page 4, after line 4, insert:

**"SECTION 8. AMENDMENT.** Section 47-30.1-21.1 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-21.1. Crediting of dividends or increments on stock to owner's account.** Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other increments realized or accruing on the stock for as long as the stock is held by the administrator, provided the total amount of cash due the owner exceeds five dollars.

**SECTION 9. AMENDMENT.** Section 47-30.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-24. Filing of claim with administrator - Exempt from open records law.**

1. A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.
2. The administrator shall consider each claim within ninety days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.
3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator.
4. Documentation and information submitted by a claimant for the purpose of proving ownership of the property is exempt from the open records law under section 44-04-18.



**SECTION 10. AMENDMENT.** Subsection 1 of section 47-30.1-35 of the North Dakota Century Code is amended and reenacted as follows:

1. All agreements to pay compensation to recover or assist in the recovery of property reported under section 47-30.1-17, made within twenty-four months after the date payment or delivery is made to the administrator, are unenforceable."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1013 - Land Department - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$1,898,164	\$1,878,020	(\$1,858)	\$1,876,162	\$1,876,162	
Operating expenses	812,572	812,572	(90,000)	722,572	722,572	
Capital assets	37,000	37,000		37,000	37,000	
Grants	4,888,100	4,888,100		4,888,100	4,888,100	
Contingencies	<u>100,000</u>	<u>100,000</u>	<u>(50,000)</u>	<u>50,000</u>	<u>50,000</u>	
Total all funds	\$7,735,836	\$7,715,692	(\$141,858)	\$7,573,834	\$7,573,834	\$0
Less estimated income	<u>7,735,836</u>	<u>7,715,692</u>	<u>(141,858)</u>	<u>7,573,834</u>	<u>7,573,834</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	17.75	17.75	0.00	17.75	17.75	0.00

**Dept. 226 - Land Department - Detail of Conference Committee Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REMOVES FUNDING FOR WEED CONTROL COSTS 2	REDUCES THE CONTINGENCY LINE ITEM 3	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$1,858)			(\$1,858)
Operating expenses		(\$90,000)		(90,000)
Capital assets				
Grants				
Contingencies			<u>(\$50,000)</u>	<u>(50,000)</u>
Total all funds	(\$1,858)	(\$90,000)	(\$50,000)	(\$141,858)
Less estimated income	<u>(1,858)</u>	<u>(90,000)</u>	<u>(50,000)</u>	<u>(141,858)</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for the recommended state employee health insurance premiums from \$493 to \$488.70 per month.

<sup>2</sup> This amendment removes \$90,000 from the operating expenses line for weed control costs, since these expenses can be paid under the continuing appropriation authority in House Bill No. 1103.

<sup>3</sup> This amendment reduces funding in the contingency line item by \$50,000, since unknown costs can be paid under the continuing appropriation authority in House Bill No. 1103.

This amendment also removes the requirement that the cost of the display advertisement may not exceed the cost of the legal advertisement and adds three sections from Senate Bill No. 2152 relating to unclaimed property.

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BOWMAN MOVED** that the conference committee report on Engrossed HB 1013 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1013, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distribution amounts from permanent funds; to create and enact a new section to chapter 47-30.1 of the North

Dakota Century Code, relating to property unclaimed by state agencies; and to amend and reenact sections 47-30.1-18, 47-30.1-21.1, and 47-30.1-24 and subsection 1 of section 47-30.1-35 of the North Dakota Century Code, relating to the enforcement of the Uniform Unclaimed Property Act.

**ROLL CALL**

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

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

Engrossed HB 1013, as amended, passed and the title was agreed to.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**HB 1010, as engrossed:** Your conference committee (Sens. Thane, Andrist, Mathern and Reps. Bellew, Kempenich, Kerzman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1279-1280, adopt amendments as follows, and place HB 1010 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1279 and 1280 of the House Journal and pages 1091 and 1092 of the Senate Journal and that Engrossed House Bill No. 1010 be amended as follows:

Page 1, line 9, replace "426,084" with "425,568"

Page 1, line 10, replace "219,918" with "221,443"

Page 1, line 11, replace "1,559,607" with "1,415,857"

Page 1, after line 11, insert:  
 "Lewis and Clark bicentennial 163,750"

Page 1, line 12, replace "2,205,609" with "2,226,618"

Page 1, line 14, replace "983,394" with "1,004,403"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1010 - Council on the Arts - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$430,661	\$426,084	(\$516)	\$425,568	\$425,568	
Operating expenses	222,918	219,918	1,525	221,443	221,738	(\$295)
Grants	1,415,857	1,559,607	(143,750)	1,415,857	1,415,857	
Lewis and Clark Bicentennial	<u>183,750</u>		<u>163,750</u>	<u>163,750</u>	<u>183,750</u>	<u>(20,000)</u>
Total all funds	\$2,253,186	\$2,205,609	\$21,009	\$2,226,618	\$2,246,913	(\$20,295)
Less estimated income	<u>1,222,215</u>	<u>1,222,215</u>		<u>1,222,215</u>	<u>1,222,215</u>	
General fund	\$1,030,971	\$983,394	\$21,009	\$1,004,403	\$1,024,698	(\$20,295)
FTE	5.00	5.00	0.00	5.00	5.00	0.00

**Dept. 709 - Council on the Arts - Detail of Conference Committee Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	RESTORES FUNDING FOR TWO NEW COMPUTERS 3	RESTORES LEWIS AND CLARK BICENTENNIAL LINE ITEM 4	RESTORES FUNDING FOR GRANTS 5	DECREASES FUNDING FOR LEWIS AND CLARK 6
Salaries and wages			(\$516)			

Operating expenses		(\$1,475)	\$3,000			
Grants				(\$183,750)	\$40,000	
Lewis and Clark Bicentennial				<u>183,750</u>		<u>(\$20,000)</u>
Total all funds	(\$516)	(\$1,475)	\$3,000	\$0	\$40,000	(\$20,000)
Less estimated income						
General fund	(\$516)	(\$1,475)	\$3,000	\$0	\$40,000	(\$20,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

TOTAL  
CONFERENCE  
COMMITTEE  
CHANGES

Salaries and wages	(\$516)
Operating expenses	1,525
Grants	(143,750)
Lewis and Clark Bicentennial	<u>163,750</u>
Total all funds	\$21,009
Less estimated income	
General fund	\$21,009
FTE	0.00

- 1 This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.
- 2 This amendment reduces the funding for information technology by \$1,475 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.
- 3 This amendment restores funding of \$3,000 from the general fund for two new computers which was removed by the House.
- 4 This amendment restores funding of \$183,750 from the general fund to the Lewis and Clark Bicentennial line item which was transferred to the grants line item by the House.
- 5 This amendment restores funding of \$40,000 from the general fund for grants which was removed by the House.
- 6 This amendment decreases funding for the Lewis and Clark Bicentennial line item by \$20,000.

Engrossed HB 1010 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. THANE MOVED** that the conference committee report on Engrossed HB 1010 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1010, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts and an appropriation of funds from the cultural endowment fund.

**ROLL CALL**

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

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

Engrossed HB 1010, as amended, passed and the title was agreed to.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2001, SB 2011, SB 2014, SB 2017.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2002, SB 2003.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1010, HB 1013, HB 1047.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1158.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2033, SB 2065, SB 2190, SB 2311, SB 2345, SB 2403, SB 2418.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2007, SB 2358.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1005.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1035.

#### MOTION

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

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Tuesday, April 22, 2003, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1005, as engrossed:** Your conference committee (Sens. Schobinger, Christmann, Robinson and Reps. Skarphol, Svedjan, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1277, adopt amendments as follows, and place HB 1005 on the Seventh order:

That the Senate recede from its amendments as printed on page 1277 of the House Journal and pages 1089 and 1090 of the Senate Journal and that Engrossed House Bill No. 1005 be amended as follows:

Page 1, line 11, replace "314,621" with "314,311"

Page 1, line 12, replace "38,722" with "40,932"

Page 1, line 13, replace "353,343" with "355,243"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1005 - Indian Affairs Commission - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$318,109	\$314,621	(\$310)	\$314,311	\$314,311	
Operating expenses	<u>41,222</u>	<u>38,722</u>	<u>2,210</u>	<u>40,932</u>	<u>40,990</u>	(\$58)
Total all funds	\$359,331	\$353,343	\$1,900	\$355,243	\$355,301	(\$58)
Less estimated income						
General fund	\$359,331	\$353,343	\$1,900	\$355,243	\$355,301	(\$58)
FTE	3.00	3.00	0.00	3.00	3.00	0.00

##### Dept. 316 - Indian Affairs Commission - Detail of Conference Committee Changes

RESTORES

REDUCES

REDUCES

	FUNDING FOR COMPUTER REPLACEMENT 1	RECOMMENDED FUNDING FOR HEALTH INSURANCE 2	FUNDING FOR INFORMATION TECHNOLOGY COSTS 3	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		(\$310)		(\$310)
Operating expenses	\$2,500		(\$290)	2,210
Total all funds	\$2,500	(\$310)	(\$290)	\$1,900
Less estimated income				
General fund	\$2,500	(\$310)	(\$290)	\$1,900
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment restores the funding removed by the House for personal computer replacement.

<sup>2</sup> This amendment reduces funding for state employee health insurance premiums from \$493 to \$488.70 per month.

<sup>3</sup> This amendment reduces funding for information technology by \$290 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 5 percent.

Engrossed HB 1005 was placed on the Seventh order of business on the calendar.

### REPORT OF CONFERENCE COMMITTEE

**HB 1035, as engrossed:** Your conference committee (Sens. Dever, Trenbeath, Nelson and Reps. DeKrey, Grande, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 869-870, adopt amendments as follows, and place HB 1035 on the Seventh order:

That the Senate recede from its amendments as printed on pages 869 and 870 of the House Journal and pages 684 and 685 of the Senate Journal and that Engrossed House Bill No. 1035 be amended as follows:

Page 3, line 12, replace "14." with "13."

Page 3, line 15, replace "15." with "14."

Page 19, after line 29, insert:

"19. If the child-placing agency has located both genetic parents and only one genetic parent authorizes disclosure, the child-placing agency may not disclose identifying information regarding the consenting parties unless there is a court order authorizing the disclosure. Upon application to the court by the child-placing agency, the court shall issue an order authorizing disclosure of information identifying the consenting parties. The order must include any conditions the court determines sufficient to reasonably ensure the continued nondisclosure of information identifying the objecting genetic parent. Conditions placed on the disclosure may include a sworn statement by the consenting genetic parent to refrain from disclosing to the adopted individual any information identifying the objecting genetic parent."

Page 19, line 30, replace "19." with "20."

Page 21, line 1, replace "20." with "21."

Page 21, line 10, replace "21." with "22."

Page 22, line 2, replace "22." with "23."

Page 22, line 9, replace "23." with "24."

Page 23, line 3, replace "24." with "25."

Page 23, line 6, replace "25." with "26."

Page 23, line 8, replace "26." with "27."

Re-number accordingly

Engrossed HB 1035 was placed on the Seventh order of business on the calendar.

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

**WILLIAM R. HORTON, Secretary**

