

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, February 20, 1997

The House convened at 8:00 a.m., with Speaker Timm presiding.

The prayer was offered by the Rev. John Gustafson, Shiloh Evangelical Free Church, West Fargo.

The roll was called and all members were present except Representatives Kliniske and Schmidt.

A quorum was declared by the Speaker.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1017, HB 1021, HB 1026, HB 1076, HB 1078, HB 1137, HB 1138, HB 1139, HB 1140, HB 1141, HB 1151, HB 1153, HB 1188, HB 1193, HB 1262, HB 1263, HB 1264, HB 1267, HB 1268, HB 1269, HB 1270, HB 1310, HB 1340, HB 1383, HB 1387, HB 1440, HB 1448, HB 1471, HB 1476.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1027, HB 1067, HB 1163, HB 1164, HB 1167, HB 1172, HB 1180, HB 1182, HB 1187, HB 1191, HB 1202, HB 1215, HB 1222, HB 1237, HB 1255, HB 1257, HB 1299, HB 1333, HB 1351, HB 1353, HB 1368, HB 1371, HB 1385, HB 1388, HB 1396, HB 1399, HB 1403, HB 1413, HB 1424, HB 1445, HB 1456, HB 1468.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to create and enact five new sections to chapter 65-06.2 of the North Dakota Century Code, relating to workers' compensation coverage for inmates engaged in work programs through roughrider industries; to amend and reenact sections 65-05-07.2 and 65-06.2-01 of the North Dakota Century Code, relating to the requirement that employers pay a portion of the medical benefits of workers' compensation claims and to the definition of an inmate; 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 85 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Stenehjerm; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Brusegaard; Carlson; Dorso; Freier; Grande; Huether; Skarphol; Soukup; Svedjan

ABSENT AND NOT VOTING: Kliniske; Schmidt

Engrossed HB 1116 passed and the title was agreed to.

MOTION

REP. BERG MOVED that SB 2317 be returned to the House floor from the **Industry, Business and Labor Committee**, which motion prevailed.

ANNOUNCEMENT

SPEAKER TIMM ANNOUNCED that SB 2317 was rereferred to the **Education Committee**.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act to create and enact a new subsection to section 43-13-13.3 of the North Dakota Century Code, relating to consultations with a licensed ophthalmologist; and to amend and reenact sections 43-13-01 and 43-13-22 of the North Dakota Century Code, relating to definitions and licenses in the practice of optometry.

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 90 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Callahan; Kerzman; Kilzer; Martinson; Rennerfeldt

ABSENT AND NOT VOTING: Kliniske; Schmidt

Engrossed HB 1334 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1395 and HB 1475, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1395: 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 a public access program; to amend and reenact subsections 18 and 19 of section 20.1-02-05, subsection 41 of section 20.1-03-12, and section 20.1-03-12.1 of the North Dakota Century Code, relating to a public access program; and to repeal section 20.1-02-16.3 of the North Dakota Century Code and sections 2, 3, 4, 5, and 6 of chapter 278 of the 1989 Session Laws, relating to the small and big game habitat restoration trust fund.

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 90 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Byerly; Froseth; Kempenich; Rennerfeldt; Thorpe

ABSENT AND NOT VOTING: Kliniske; Schmidt

Engrossed HB 1395 passed and the title was agreed to.

SECOND READING OF HOUSE BILL**HB 1397:** A BILL for an Act to provide for access to federal lands located in this state.**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, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Delzer; Dorso; Fairfield; Freier; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Koppelman; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Monson; Nicholas; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rose; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

NAYS: Belter; Bernstein; Boehm; Brusegaard; DeKrey; Devlin; Drovdal; Froseth; Galvin; Huether; Jacobs; Kempenich; Kerzman; Kilzer; Klein; Kroeplin; Lloyd; Mahoney; Murphy; Nelson; Nichols; Renner; Rennerfeldt; Sandvig; Thompson; Thorpe; Warner; Weisz; Wilkie

ABSENT AND NOT VOTING: Kliniske; Schmidt

Engrossed HB 1397 passed and the title was agreed to.

MOTION

REP. RENNERTFELDT MOVED that the House reconsider its action whereby Engrossed HB 1216 failed to pass.

REQUEST

REP. WARDNER REQUESTED a recorded roll call vote on the motion to reconsider the action whereby Engrossed HB 1216 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed HB 1216 failed to pass, the roll was called and there were 80 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Carlson; Christopherson; Dalrymple; DeKrey; Delmore; Delzer; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Axtman; Berg; Bernstein; Brusegaard; Christenson; Clark; Devlin; Glassheim; Grande; Kilzer; Klein; Mahoney

ABSENT AND NOT VOTING: Coats; Kliniske; Kroeplin; Schmidt; Thorpe

So the motion to reconsider the action whereby Engrossed HB 1216 failed to pass prevailed.

SECOND READING OF HOUSE BILL

HB 1216: A BILL for an Act to create and enact a new section to chapter 15-38 of the North Dakota Century Code, relating to the initial certification of teachers.

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

YEAS: Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brown; Byerly; Carlisle; Carlson; Christopherson; Dalrymple; DeKrey; Delzer; Dorso; Drovda; Freier; Froseth; Galvin; Gertholz; Gorder; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Soukup; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

NAYS: Axtman; Berg; Bernstein; Brusegaard; Callahan; Christenson; Clark; Coats; Delmore; Devlin; Fairfield; Glassheim; Grande; Kelsch, R.; Kelsh, S.; Kilzer; Mahoney; Nichols; Oban; Rose; Skarphol; Stenehjem; Thorpe; Warner; Weisz; Wilkie

ABSENT AND NOT VOTING: Kliniske; Schmidt

Engrossed HB 1216, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1401: A BILL for an Act to amend and reenact subsection 4 of section 57-38.5-01 of the North Dakota Century Code, relating to the definition of a qualified business for purposes of the seed capital investment tax credit.

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 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Kliniske; Lloyd; Schmidt

Engrossed HB 1401 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1475: A BILL for an Act to create and enact five new sections to chapter 6-09 of the North Dakota Century Code, relating to the transfer of functions of the department of economic development and finance to the Bank of North Dakota; to amend and reenact sections 4-14.1-03, 10-24-40, subsection 6 of section 10-30-04, sections 10-30.4-01, 10-30.4-02, 10-30.4-03, 10-30.4-05, subsection 4 of section 10-30.5-02, sections 10-30.5-05, 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, 24-02-37.1, 25-04-20, subsection 1 of section 28-32-01, sections 40-57.1-04, 49-10.1-17, 50-06-01.8, 52-01-03, 52-02.1-01, 52-02.1-02, subsection 2 of section 52-02.1-03, sections 52-02.1-04, 52-02.1-05, subsection 1 of section 54-06-04, sections 54-34-06.1, 54-34-12, 54-34-15, 54-53-02, 55-06-01, 55-08-02.1, 57-38.5-01, 57-38.5-02, 57-38.5-07, and 57-38.5-08 of the North Dakota Century Code, relating to the transfer of functions of the department of economic development and finance to the Bank of North Dakota; to repeal chapter 54-34.3 of the North Dakota Century Code, relating to the department of economic development and finance; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 67 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Boucher; Brandenburg; Callahan; Christenson; Coats; DeKrey; Delmore; Fairfield; Grumbo; Gulleson; Hanson; Huether; Kelsh, S.; Kerzman; Kroepflin; Mahoney; Maragos; Nichols; Niemeier; Oban; Rose; Sandvig; Thorpe; Warner; Wilkie

NAYS: Axtman; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Grosz; Kliniske; Schmidt

Engrossed HB 1475 was declared lost.

SEVENTH ORDER OF BUSINESS

REP. OBAN MOVED that the report of the Minority be substituted for the report of the Majority on HB 1410.

REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on HB 1410, which request was granted.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on HB 1410, the roll was called and there were 25 YEAS, 70 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Drovdal; Fairfield; Glassheim; Gulleson; Gunter; Hanson; Kelsh, S.; Kerzman; Kroepflin; Murphy; Nichols; Niemeier; Oban; Rose; Sandvig; Thorpe; Warner; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Kliniske; Schmidt

The motion that the report of the Minority be substituted for the report of the Majority on HB 1410 failed.

MOTION

REP. BYERLY MOVED that the report of the Majority be adopted, which motion prevailed.

Engrossed HB 1410 was placed on the Eleventh order of business on the calendar with a DO PASS recommendation.

SECOND READING OF HOUSE BILL

HB 1410: A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota Century Code, relating to when air quality rules that are more strict than federal standards may be adopted and the procedure for adoption of such rules and standards; and to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the composition of the health council.

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 75 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer;

Devlin; Dorso; Freier; Froseth; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

NAYS: Boucher; Callahan; Carlisle; Christenson; Drovdal; Fairfield; Galvin; Glassheim; Gulleston; Kelsh, S.; Kerzman; Klein; Mahoney; Mickelson; Murphy; Oban; Rose; Sandvig; Thorpe; Wentz

ABSENT AND NOT VOTING: Kliniske; Schmidt

Engrossed HB 1410 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2013, SB 2198, SB 2240.

MOTION

REP. DORSO MOVED the amendments on the Sixth order, with the exception of SCR 4010, be taken in one motion, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to HB 1010, HB 1168, HB 1170, HB 1259, HB 1305, HB 1342, HB 1427, HB 1433, and HCR 3027 be adopted, which motion prevailed.

HB 1010, HB 1168, HB 1170, HB 1259, HB 1305, HB 1342, HB 1427, HB 1433, and HCR 3027, as amended, were placed on the Eleventh order of business on the calendar.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3011, HCR 3015, HCR 3026, HCR 3028, HCR 3029, HCR 3033, HCR 3034, HCR 3037, HCR 3038, HCR 3039.

MOTION

REP. FREIER MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders the House stand in recess until 11:00 a.m., which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1009: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1009 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "2,983,812" with "3,023,812"

Page 1, line 12, replace "953,840" with "1,088,840"

Page 1, line 13, replace "22,900" with "32,900"

Page 1, line 15, replace "449,199" with "434,199"

Page 1, after line 19, insert:

"Pride of Dakota 150,000"

Page 1, line 20, replace "784,694" with "764,694"

Page 1, line 21, replace "652,133" with "552,133"

Page 1, line 23, replace "9,004,788" with "9,204,788"

Page 2, line 1, replace "4,460,594" with "4,560,594"

Page 2, line 2, replace "4,544,194" with "4,644,194"

Page 2, after line 2, insert:

"SECTION 2. ESTIMATED INCOME - FIRE AND TORNADO FUND. The estimated income line item in section 1 of this Act includes the sum of \$20,444, or so much of the sum as may be necessary, from the state fire and tornado fund for the purpose of defraying the expenses of the anhydrous ammonia storage program.

SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$1,393,902, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose of defraying the expenses of the pesticide regulation, pesticide disposal, and noxious weeds programs, of which \$90,890 is for the pesticide regulation program, \$552,133 is for the pesticide disposal program, and \$750,879 is for the noxious weeds program.

SECTION 4. TRANSFER. The office of management and budget shall transfer \$100,000 from the environment and rangeland protection fund to the minor use pesticide fund, for the biennium beginning July 1, 1997, and ending June 30, 1999."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - DEPARTMENT OF AGRICULTURE

HOUSE - This amendment makes the following changes:

1997-99 EXECUTIVE RECOMMENDATION	PRIDE OF DAKOTA	KARNAL BUNT SURVEYS	REDUCE OPERATING COSTS	REDUCE SAFE SEND	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$2,983,812	\$40,000			\$40,000	\$3,023,812
Operating expenses	953,840	150,000	\$(15,000)		135,000	1,088,840
Equipment	22,900	10,000			10,000	32,900
Grants	561,700					561,700
Board of Animal Health	449,199		(15,000)		(15,000)	434,199
Ag mediation	1,377,537					1,377,537
Ag in the classroom	25,000					25,000
Anhydrous ammonia storage	20,444					20,444
Waterbank program	214,000					214,000
Pride of Dakota			(20,000)		150,000	150,000
Animal damage control	784,694				(20,000)	764,694
Safe Send	652,133			\$(100,000)	(100,000)	552,133
Noxious weeds	959,529					959,529
Total	\$9,004,788	\$200,000 ²	\$(50,000) ³	\$(100,000) ⁴	\$200,000	\$9,204,788
General fund	\$4,544,194		\$(50,000)		\$100,000	\$4,644,194
Special funds	4,460,594	\$200,000		\$(100,000)	100,000	4,660,594
Total	\$9,004,788	\$200,000	\$(50,000)	\$(100,000)	\$200,000	\$9,204,788
FTE	48.00				0.00	48.00

¹ Continues funding for the Pride of Dakota program in the Agriculture Department. The executive budget recommendation provided \$150,000 from the general fund for the Department of Economic Development and Finance to administer this program.

² Adds federal funds for conducting karnal bunt surveys during the 1997-99 biennium.

³ Reduces funding for operating expenses in the following areas:

Board of Animal Health	\$(15,000)
Animal damage control	(20,000)
Other programs	<u>(15,000)</u>
Total	\$(50,000)

⁴ Reduces funding from the environment and rangeland protection fund for pesticide disposal (Project Safe Send).

A section is added providing for a \$100,000 transfer from the environment and rangeland protection fund to the minor use pesticide fund created in House Bill No. 1433. House Bill No. 1433 authorizes the Pesticide Control Board to spend the moneys in the fund pursuant to a continuing appropriation for expenses relating to the registration of minor use pesticides.

Two new sections are added identifying the funding provided from the fire and tornado fund and the environment and rangeland protection fund.

REPORT OF STANDING COMMITTEE

HB 1431: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (15 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1431 was placed on the Eleventh order on the calendar.

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

MOTION

REP. PRICE MOVED that SB 2285 be returned to the House floor from the **Human Services Committee** for the purpose of rereferral, which motion prevailed.

ANNOUNCEMENT

SPEAKER TIMM ANNOUNCED that SB 2285 was rereferred to the **Judiciary Committee**.

SIXTH ORDER OF BUSINESS

SCR 4010, as reengrossed: REP. KRETSCHMAR (Judiciary Committee) MOVED that the amendments on HJ pages 563-564 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

REP. SVEEN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SCR 4010, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Reengrossed SCR 4010, the roll was called and there were 48 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Devlin; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Grumbo; Gulleon; Gunter; Hanson; Hawken; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kroepflin; Kunkel; Mahoney; Maragos; Martinson; Monson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Rose; Sabby; Sandvig; Stenehjem; Sveen; Thoreson; Thorpe; Tollefson; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Drovda; Freier; Gorder; Grande; Grosz; Hausauer; Henegar; Huether; Jacobs; Johnsen, C.; Keiser; Kempenich; Klein; Koppelman; Kretschmar; Lloyd; Mickelson; Nelson; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Svedjan; Thompson; Torgerson; Wald; Wardner; Weisz

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

The motion to adopt the amendments to Reengrossed SCR 4010 passed and Reengrossed SCR 4010, as amended, was placed on the Fourteenth order for second reading and final passage.

RULING BY THE SPEAKER

SPEAKER TIMM RULED that in accordance with House Rule 318(1)(c), the amendments to Reengrossed SCR 4010, were adopted because a majority of the members present voted "Aye".

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution for the amendment of subsections 1 and 6 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 70 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Drovda; Fairfield; Freier; Galvin; Glassheim; Gorder; Grande; Grosz; Gulleon; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Lloyd; Mahoney; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Speaker Timm

NAYS: Aarsvold; Boucher; Coats; Delmore; Devlin; Froseth; Gerntholz; Grumbo; Gunter; Hausauer; Johnson, D.; Kelsch, R.; Kroeplin; Kunkel; Maragos; Nichols; Niemeier; Nottestad; Sabby; Stenehjem; Sveen; Warner; Wentz; Wilkie

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Reengrossed SCR 4010, as amended, was declared adopted on a roll call vote.

SIXTH ORDER OF BUSINESS

HB 1009: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and that HB 1009 be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; and to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the agriculture commissioner.

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, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnson, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Carlson; DeKrey; Delzer; Grande; Grosz; Skarphol; Weisz

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Engrossed HB 1009 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1427: A BILL for an Act relating to the allocation of research grants to agricultural commodity groups; to amend and reenact section 57-43.1-03.1 of the North Dakota Century Code, relating to tax refunds for fuel used for agricultural purposes; to provide an appropriation; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnson, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rose; Sabby; Sandvig; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Boehm; Brown; Carlson; Delzer; Grosz; Keiser; Murphy; Renner; Rennerfeldt; Skarphol

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Engrossed HB 1427 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. BRANDENBURG MOVED that the House reconsider its action whereby HB 1337 failed to pass.

REQUEST

REP. CLARK REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1337 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1337 failed to pass, the roll was called and there were 52 YEAS, 42 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; DeKrey; Delzer; Devlin; Drovdal; Freier; Froseth; Glassheim; Grande; Grosz; Grumbo; Gulleson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Kelsh, S.; Kempenich; Klein; Koppelman; Kroeplin; Kunkel; Mickelson; Murphy; Nelson; Poolman; Renner; Rennerfeldt; Sandvig; Skarphol; Soukup; Stenehjem; Torgerson; Wald; Weisz; Speaker Timm

NAYS: Aarsvold; Axtman; Boucher; Dalrymple; Delmore; Dorso; Fairfield; Galvin; Gerntholz; Gorder; Gunter; Hanson; Hausauer; Johnson, D.; Keiser; Kelsch, R.; Kerzman; Kretschmar; Lloyd; Mahoney; Maragos; Martinson; Monson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Price; Rose; Sabby; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wardner; Warner; Wentz; Wilkie

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

So the motion to reconsider the action whereby HB 1337 failed to pass prevailed.

SECOND READING OF HOUSE BILL

HB 1337: A BILL for an Act relating to the provision of guidance and counseling services at the elementary and secondary school level.

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 53 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Kelsh, S.; Kempenich; Klein; Koppelman; Kretschmar; Kroeplin; Lloyd; Mickelson; Murphy; Olson; Poolman; Renner; Rennerfeldt; Sandvig; Skarphol; Soukup; Torgerson; Wald; Weisz; Speaker Timm

NAYS: Aarsvold; Axtman; Boucher; Callahan; Coats; Delmore; Fairfield; Gerntholz; Gorder; Hanson; Hausauer; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kerzman; Kunkel; Mahoney; Maragos; Martinson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Price; Rose; Sabby; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wardner; Warner; Wentz; Wilkie

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Engrossed HB 1337 passed and the title was agreed to.

HOUSE ENGROSSING AND REENGROSSING REPORT

The following bills and resolution were engrossed: HB 1009, HB 1010, HB 1168, HB 1170, HB 1259, HB 1305, and HCR 3027.

The following bills were reengrossed: HB 1342, HB 1427, and HB 1433.

MOTION

REP. FREIER MOVED that the House be on the Fifth order of business and at the conclusion of the Fifth order, the House stand in recess until 1:30 p.m., which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1029: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). HB 1029 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second semicolon insert "to amend and reenact section 54-17.2-23 of the North Dakota Century Code, relating to the limitation on state building authority lease payments;"

Page 2, remove lines 3 and 4

Page 2, line 5, replace "6,000,000" with "\$4,500,000"

Page 2, line 7, replace "10,000,000" with "5,000,000"

Page 3, line 7, replace "28,207,986" with "27,515,000"

Page 3, line 10, replace "\$3,492,986" with "\$2,800,000"

Page 3, remove line 13

Page 3, line 14, replace "1,500,000" with "\$1,500,000"

Page 3, line 17, replace "twelve" with "six"

Page 3, after line 21, insert:

"SECTION 5. AMENDMENT. Section 54-17.2-23 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-17.2-23. State building authority lease payments - Limitation. The general fund amount of lease payments for a biennium associated with capital construction projects financed by the industrial commission acting as the state building authority may not exceed the amount equal to a portion of sales, use, and motor vehicle excise tax collections equal to ~~eleven~~ ten and one-half percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

HOUSE - This amendment makes the following changes:

1. Removes the Department of Public Instruction - Division of Independent Study building addition. The project was to be financed through the issuance of evidences of indebtedness. The evidences of indebtedness were to have been retired with special funds derived from the Division of Independent Study.
2. Decreases, from 12 equal annual installments to six equal annual installments, the time period agencies and institutions have to pay the local matching share.
3. Adds a section changing the current guidelines which limit the State Building Authority general fund lease payments to an amount equal to 11 percent of a one percent sales, use, and motor vehicle excise tax to an amount equal to 10.5 percent of a one percent sales, use, and motor vehicle excise tax.

REPORT OF STANDING COMMITTEE

HB 1037, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (15 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1037 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1039: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1039 was placed on the Sixth order on the calendar.

Page 2, line 4, after "services" insert "in coordination with home and community-based service providers to avoid duplicating existing services"

Renumber accordingly

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

MOTION

REP. KLEIN MOVED that the House reconsider its action whereby HB 1101 failed to pass.

REQUEST

REP. GROSZ REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1101 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1101 failed to pass, the roll was called and there were 67 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thorpe; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Aarsvold; Brandenburg; Callahan; Christenson; Coats; Devlin; Dorso; Drovdal; Glassheim; Gorder; Gulleeson; Hanson; Keiser; Kelsch, R.; Kelsh, S.; Kroeplin; Lloyd; Mahoney; Murphy; Niemeier; Nottestad; Sandvig; Svedjan; Thoreson; Tollefson; Warner; Wilkie

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

So the motion to reconsider the action whereby HB 1101 failed to pass prevailed.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to amend and reenact section 5-01-07 of the North Dakota Century Code, relating to consent of the board of township supervisors for issuance of a retail beer or liquor license.

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 62 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kempenich; Klein; Koppelman; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Skarphol; Soukup; Sveen; Thompson; Thorpe; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Aarsvold; Boucher; Brandenburg; Brusegaard; Callahan; Christenson; Coats; Delmore; Devlin; Drovdal; Glassheim; Gorder; Gulleeson; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kroeplin; Lloyd; Mahoney; Murphy; Nichols; Niemeier; Nottestad; Oban; Rose; Stenehjem; Svedjan; Thoreson; Tollefson; Warner; Wilkie

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Engrossed HB 1101 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1433: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to the receipt of funds by the pesticide control board to establish a minor use pesticide fund; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Engrossed HB 1433 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1168 and HB 1342, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to create and enact section 26.1-36.4-03.1 and a new section to chapter 26.1-36.4 of the North Dakota Century Code, relating to preexisting condition provisions and rulemaking authority; to amend and reenact sections 26.1-08-01, 26.1-08-04, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-12, subsection 3 of section 26.1-08-13, sections 26.1-36.3-01, 26.1-36.3-04, 26.1-36.3-05, 26.1-36.3-06, subsection 1 of section 26.1-36.3-11, sections 26.1-36.4-02, 26.1-36.4-03, 26.1-36.4-04, and 26.1-36.4-05 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota, small group health insurance, and individual health insurance; to repeal section 26.1-08-05, relating to the comprehensive health association of North Dakota; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Engrossed HB 1168 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1259: A BILL for an Act to create and enact chapters 26.1-12.1 and 26.1-12.2 of the North Dakota Century Code, relating to the reorganization of mutual insurance companies and formation by mutual insurance companies of mutual insurance holding companies and demutualization of insurers.

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 84 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Aarsvold; Boucher; Christenson; Fairfield; Gulleon; Keiser; Kerzman; Murphy; Niemeier; Thorpe

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Engrossed HB 1259 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3027: A concurrent resolution urging Congress and state and local government leaders to seek an end to bidding wars among states and local governments for economic develop projects.

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

Reengrossed HCR 3027, as amended, was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Belter

ABSENT AND NOT VOTING: Hausauer; Kilzer; Kliniske; Schmidt

Engrossed HB 1010 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1431, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1431 was rereferred.

SECOND READING OF HOUSE BILL

HB 1170: A BILL for an Act to amend and reenact sections 61-02-64.1, 61-02-64.2, 61-24.3-01, and 61-24.3-18 of the North Dakota Century Code, relating to repayment of obligations with respect to bond issues and to issuing and repaying bonds for the southwest pipeline project; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Hausauer; Kilzer; Kliniske; Schmidt

Engrossed HB 1170 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1305: A BILL for an Act to provide for a study of industrial hemp production by the agricultural experiment station.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 13 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Christenson; Coats; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gullerson; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Klein; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Berg; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Grande; Gunter; Kelsch, R.; Koppelman; Martinson; Mickelson; Thompson

ABSENT AND NOT VOTING: Hausauer; Kilzer; Kliniske; Schmidt

Engrossed HB 1305 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1342: A BILL for an Act to create and enact a new subsection to section 38-08.1-01 and a new subsection to section 38-08.1-04.1 of the North Dakota Century Code, relating to definitions for purposes of geophysical exploration and to notification requirements for geophysical exploration permitholders; to amend and reenact sections 38-08.1-02, 38-08.1-03.1, 38-08.1-04, subsections 1, 3, and 5 of section 38-08.1-04.1, sections 38-08.1-04.2, 38-08.1-05, subsections 2 and 3 of section 38-08.1-06, sections 38-08.1-06.1, and 57-62-03.1 of the North Dakota Century Code, relating to geophysical exploration requirements and enforcement funding; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Delzer; Hausauer; Kilzer; Kliniske; Schmidt

Engrossed HB 1342 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to create and enact section 50-06-14.4 of the North Dakota Century Code, relating to projects involving services for the alzheimer's and related dementia population; to amend and reenact the new section to chapter 23-09.3 and the new section to chapter 23-16 of the North Dakota Century Code as created by sections 2 and 3 of chapter 254 of the 1995 Session Laws, relating to a moratorium on basic care and long-term care bed capacity; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 42 YEAS, 52 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Brown; Callahan; Christenson; Christopherson; Coats; DeKrey; Delmore; Delzer; Devlin; Fairfield; Galvin; Grumbo; Gullerson; Hanson; Huether; Jensen; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Kretschmar; Kroepflin; Kunkel; Mahoney; Mickelson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Poolman; Price; Sabby; Sandvig; Stenehjem; Thompson; Warner; Weisz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Dorso; Drovdal; Freier; Froseth; Gerntholz; Glassheim; Gorder; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kempenich; Koppelman; Lloyd; Maragos; Martinson; Murphy; Nichols; Oban; Olson; Renner; Rennerfeldt; Rose; Skarphol; Soukup; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Kilzer; Kliniske; Schmidt

Engrossed HB 1037 was declared lost.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 2:27 p.m., February 20, 1997: HB 1120.

MOTION

REP. FREIER MOVED that the House be on the Fifth order of business and at the conclusion of that order, the House stand in recess until 3:30 p.m., which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1006: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1006 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "11,691,812" with "11,589,981"

Page 1, line 11, replace "4,928,403" with "4,219,055"

Page 1, line 15, replace "17,136,724" with "16,325,545"

Page 1, line 17, replace "16,833,152" with "16,021,973"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 127 - TAX DEPARTMENT

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVES VACANT INFO PROCESS OPERATOR	REMOVES VACANT AUDITOR	REDUCES COMPUTER SYSTEM FUNDING	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$11,691,812	\$ (32,629)	\$ (69,202)	\$ (778,550)	\$ (101,831)	\$11,589,981
Operating expenses	4,928,403		69,202		(709,348)	4,219,055
Equipment	162,937					162,937
City tax administration fees	50,000					50,000
Motor fuels federal grant	303,572					303,572
Total	<u>\$17,136,724</u>	<u>\$ (32,629)¹</u>	<u>\$ 0²</u>	<u>\$ (778,550)³</u>	<u>\$ (811,179)</u>	<u>\$16,325,545</u>
General fund	\$16,833,152	\$ (32,629)		\$ (778,550)	\$ (811,179)	\$16,021,973
Special funds	303,572					303,572
Total	<u>\$17,136,724</u>	<u>\$ (32,629)</u>	<u>\$ 0</u>	<u>\$ (778,550)</u>	<u>\$ (811,179)</u>	<u>\$16,325,545</u>
FTE	152.00	(0.50)	(1.00)	0.00	(1.50)	150.50

¹ Removes .5 FTE vacant information processing operator I.

² Removes one FTE vacant auditor II. The federal funds relating to the position are moved to the operating expenses line item.

³ Funding added in the executive budget for redesigning the tax payment and return processing system is reduced by \$778,550 from the general fund, from \$1,528,500 to \$750,000.

REPORT OF STANDING COMMITTEE

HB 1008: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "4,315,991" with "4,240,958"

Page 1, line 12, replace "1,084,898" with "1,066,898"

Page 1, line 15, replace "3,668,442" with "3,668,492"

Page 1, line 16, replace "9,134,092" with "9,041,059"

Page 1, line 18, replace "3,347,249" with "3,254,216"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE LICENSING INSPECTOR	HOUSE VERSION
Salaries and wages	\$4,315,991	\$(75,033)	\$4,240,958
Operating expenses	1,084,898	(18,000)	1,066,898
Equipment	58,711		58,711
Grants	6,000		6,000
AML contractual services	<u>3,668,492</u>		<u>3,668,492</u>
Total	\$9,134,092	\$(93,033) ¹	\$9,041,059
General fund	\$3,347,249	\$(93,033)	\$3,254,216
Special funds	<u>5,786,843</u>		<u>5,786,843</u>
Total	\$9,134,092	\$(93,033)	\$9,041,059
FTE	43.00	(1.00)	42.00

¹ Removes one FTE licensing inspector added in the executive budget, including associated travel expenses.

The amendment corrects a typographical error in the bill for the AML contractual services line item in order to reflect the amount recommended in the executive budget.

REPORT OF STANDING COMMITTEE

HB 1035, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (19 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1035 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1040: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1040 was placed on the Sixth order on the calendar.

Page 1, line 2, after "homes" insert "; and to provide an expiration date"

Page 1, after line 11, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1999, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - The amendment adds an expiration date clause to the bill of June 30, 1999.

REPORT OF STANDING COMMITTEE

HB 1312, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1312 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "15-10.1-02,"

Page 1, line 5, remove "15-10.1-03, 15-62.2-01, 15-62.3-01,"

Page 1, line 9, remove "15-10-15," and remove "15-10-18,"

Page 1, line 10, remove "15-10-19.1," and remove "15-10-25, 15-10-25.1,"

Page 1, line 11, replace "budget requests," with "the"

Page 1, line 12, remove "tuition of nonresidents,"

Page 1, line 13, remove "definitions of nonresident and resident students,"

Page 1, line 14, remove "out-of-state travel,"

Page 2, line 11, remove the overstrike over "~~A special revenue fund, for each institution of higher education under the control of the~~"

Page 2, remove the overstrike over lines 12 and 13

Page 2, line 14, remove the overstrike over "~~institution for which the money was raised.~~"

Page 2, line 17, replace "funds" with "fund moneys"

Page 2, line 20, remove the overstrike over "All" and remove "Tuition and"

Page 3, line 3, after "except" insert "tuition and" and replace "funds" with "fund moneys"

Page 3, line 5, replace "funds" with "fund moneys"

Page 8, line 23, replace "funds" with "fund moneys that are" and replace "that" with "and"

Page 8, line 25, replace "funds" with "moneys"

Page 8, line 27, replace "funds" with "moneys" and replace "to" with "for"

Page 8, line 28, remove "fund"

Page 8, line 29, replace "funds" with "moneys"

Page 8, line 30, replace "institution" with "institutions", replace "funds" with "moneys", and replace "Funds" with "Moneys"

Page 9, remove lines 21 through 31

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 31

Page 12, remove lines 1 and 2

Page 13, line 29, remove "15-10-15," and remove "15-10-18,"

Page 13, line 30, remove "15-10-25, 15-10-25.1," and replace "sections" with "section"

Page 14, line 1, remove "and 15-10-19.1"

Renumber accordingly

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

MOTION

REP. DORSO MOVED that the House waive the reading of the titles to the remaining **Appropriations Committee** bills, which motion prevailed.

SIXTH ORDER OF BUSINESS

HB 1006: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner; and to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner.

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 83 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Brusegaard; Carlson; DeKrey; Delzer; Grande; Grosz; Koppelman; Skarphol; Thorpe; Weisz

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt

HB 1006, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1008: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners.

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 70 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Aarsvold; Belter; Bernstein; Boucher; Brandenburg; Brown; Callahan; Christenson; Delmore; Fairfield; Grosz; Gulleon; Kelsh, S.; Kerzman; Kroeplin; Murphy; Nichols; Niemeier; Oban; Rose; Skarphol; Thorpe; Warner; Wilkie

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt

HB 1008, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1029: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to provide an appropriation for capital projects of various state departments and institutions; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of a revenue-producing parking lot and related facilities at the university of North Dakota; to authorize the industrial commission to issue and sell bonds for capital projects; to provide an appropriation; to amend and reenact section 54-17.2-23 of the North Dakota Century Code, relating to the limitation on state building authority lease payments; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 45 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bernstein; Callahan; Carlisle; Christenson; Coats; Dalrymple; Delmore; Gerntholz; Glassheim; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Murphy; Nicholas; Niemeier; Nottestad; Poolman; Price; Sabby; Sandvig; Stenehjem; Svedjan; Sveen; Thorpe; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

NAYS: Axtman; Belter; Berg; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; DeKrey; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Grande; Grosz; Gulleon; Hanson; Jacobs; Kempenich; Kilzer; Koppelman; Kroepelin; Lloyd; Monson; Nelson; Nichols; Oban; Olson; Renner; Rennerfeldt; Rose; Skarphol; Soukup; Thompson; Thoreson; Warner; Weisz; Wilkie

ABSENT AND NOT VOTING: Boucher; Gorder; Kliniske; Schmidt

HB 1029, as amended, was declared lost for want of a Constitutional majority.

SIXTH ORDER OF BUSINESS

HB 1039: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1039: A BILL for an Act to amend and reenact subsection 4 of section 50-24.4-10 of the North Dakota Century Code, relating to nursing home rates.

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 90 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson;

Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie;
Speaker Timm

NAYS: Kilzer

ABSENT AND NOT VOTING: Boucher; Gorder; Gulleson; Kliniske; Nicholas; Schmidt

HB 1039, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1040: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1040: A BILL for an Act to amend and reenact subsection 5 of section 50-24.4-10 of the North Dakota Century Code, relating to operating cost limits for nursing homes; 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 86 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Berg; Brown; Carlson; Delzer; Kilzer; Skarphol

ABSENT AND NOT VOTING: Boucher; Gorder; Kliniske; Schmidt

HB 1040, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1312: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to create and enact three new sections to chapter 15-10 of the North Dakota Century Code, relating to unexpended general fund appropriations, accountability reports, and authorization for board of higher education institutions to borrow from the bank of North Dakota; to amend and reenact sections 15-10-08, 15-10-12, 15-10-14.1, 15-10-17, and 44-04-18.4 of the North Dakota Century Code, relating to compensation of state board of higher education members, acceptance of gifts and bequests and deposit of funds by the state board of higher education, reports required of the board of higher education, higher education system review, and powers and duties of the board of higher education; and to repeal sections 15-10-17.1, 15-10-18.1, 15-10-20, 15-10-23, and 15-10-34 of the North Dakota Century Code, relating to the conduct of students and use of facilities of state colleges and universities, waiver of tuition for youth correctional center graduates, tuition at model schools, lease of building sites, and authorization of contingency funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 14 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boucher; Brandenburg; Brown; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Rose; Sabby; Sandvig; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Boehm; Brusegaard; Byerly; Carlson; Delzer; Dorso; Freier; Grande; Grosz; Olson; Renner; Rennerfeldt; Skarphol

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Wald

HB 1312, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to create and enact chapter 54-24.4 of the North Dakota Century Code, relating to the North Dakota library coordinating council; to amend and reenact sections 54-24-02, 54-24-03, 54-24-09, 54-24.3-01, 54-24.3-03, 54-24.3-04, 54-24.3-05, 54-24.3-06, 54-24.3-07, 54-24.3-08, 54-24.3-09, 54-24.3-10, 54-24.3-11, 54-24.3-12, 54-24.3-13, 54-24.3-14, 54-24.3-15, and 54-24.3-16 of the North Dakota Century Code, relating to the state library and multitype library authorities; to repeal sections 54-24-07 and 54-24.3-02 of the North Dakota Century Code, relating to state library printing costs and the statewide library planning committee; and to provide appropriations.

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 79 YEAS, 13 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Devlin; Drovdal; Fairfield; Froseth; Galvin; Glassheim; Grande; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Boehm; Byerly; Carlisle; Carlson; Delzer; Dorso; Freier; Gerntholz; Grosz; Rennerfeldt; Sandvig; Skarphol; Torgerson

ABSENT AND NOT VOTING: DeKrey; Gorder; Kliniske; Schmidt; Wald

Engrossed HB 1035, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3035: A concurrent resolution directing the Legislative Council to study the criteria and the manner in which the criteria is applied by the Education Standards and Practices Board in certifying teachers, in approving teacher preparation programs, and in developing a professional code of ethics, conduct, and performance.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.;

Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Wald

HCR 3035 was declared adopted on a recorded roll call vote.

MOTION

REP. FREIER MOVED that the House be on the Fifth order of business and at the conclusion of that order the House stand in recess until 7:00 p.m., which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1034, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1034 was placed on the Sixth order on the calendar.

Page 1, line 4, after "sections" insert "15-65-01, 15-65-02, 15-65-03, 15-65-06,"

Page 1, line 6, after "to" insert "the educational telecommunications council and"

Page 1, line 7, remove "and" and after "sections" insert "15-65-04,"

Page 1, line 8, after "to" insert "the educational telecommunications council and"

Page 1, line 9, after "division" insert "; to provide a statement of legislative intent; and to provide an appropriation"

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Section 15-65-01 of the North Dakota Century Code is amended and reenacted as follows:

15-65-01. North Dakota educational telecommunications council - Creation - Purpose. The North Dakota educational telecommunications council shall encourage and ~~direct~~ promote the ~~creation of educational telecommunication programs~~ and use of technology for educational purposes and the development of technology systems to improve educational opportunity within the state. ~~The educational telecommunications council shall perform its duties as provided in this chapter in cooperation with the information technology management division established in chapter 54-35.~~

SECTION 2. AMENDMENT. Section 15-65-02 of the North Dakota Century Code is amended and reenacted as follows:

15-65-02. Membership - Appointment - Term - No compensation - Expenses - Organization. The North Dakota educational telecommunications council consists of:

1. The commissioner of higher education or the commissioner's designee.
2. The superintendent of public instruction or the superintendent's designee.
3. ~~One citizen member appointed by the governor giving preference to users of a telecommunications system.~~
4. The director of the information services technology management division of the ~~office of management and budget~~ legislative council.
5. ~~A representative of prairie public broadcasting, appointed by the governor.~~
6. 4. A representative of the telephone industry, appointed by the governor.

- ~~7. A representative of the North Dakota association of telephone cooperatives, appointed by the governor.~~
- ~~8. A representative of the North Dakota cable television association, appointed by the governor.~~
9. 5. A school board member, appointed by the governor.
- ~~10.~~ 6. A school administrator, appointed by the governor.
- ~~11.~~ 7. A schoolteacher, appointed by the governor.

The term of office of the appointed members is three years, ~~except that of the original appointees, three shall serve one year, three shall serve two years, and two shall serve three years, which appointees to be determined by lot.~~ At all times either the school board member or the school administrator must be from a school with an enrollment of less than five hundred students.

The ~~two citizen members, the school board member, the school administrator, and the schoolteacher~~ appointed by the governor must be reimbursed for actual necessary expenses incurred in the performance of their duties as members of the council at the same rates as provided by law for other state officers and employees. The costs incurred in reimbursing the ~~two citizen~~ members of the council for their actual necessary expenses must be paid by the ~~superintendent of public instruction~~ legislative council. The other members of the council are not entitled to any compensation or reimbursement for expenses incurred in performing their duties. ~~The superintendent of public instruction shall call the initial meeting of the council at which time the council shall elect its chairman and other officers and take such other action as it deems appropriate.~~

SECTION 3. AMENDMENT. Section 15-65-03 of the North Dakota Century Code is amended and reenacted as follows:

15-65-03. Powers and duties. The council shall:

- ~~1. Direct the implementation of telecommunication systems that are compatible and that can be connected with each other~~ Promote the use of technology and the development of technology systems to enhance educational opportunities within the state.
- ~~2. Develop a comprehensive written plan for the development of telecommunications in this state~~ Cooperate with state agencies and other organizations to develop statewide educational technology systems.
- ~~3. Be concerned with the development and use of statewide educational telecommunication programs and systems.~~
- ~~4. Hold coordinating authority for the development of such statewide educational telecommunication programs and systems as may be required to serve the entire state.~~
- ~~5. Assist any organization, state agencies, or both in the preparation, filing, and prosecution before federal agencies such applications, reports, or other documents or requests of any kind that may be necessary or appropriate to achieve the purposes of this chapter.~~
- ~~6. Receive gifts and contributions from public and private sources to be expended to provide educational telecommunication programs and systems.~~
- ~~7. Be concerned with the activation of educational broadcasting channels presently assigned to North Dakota, or the reallocation or addition of the channels, or both, as are determined to be in the best interests of the people of the state.~~
- ~~8. Actively cooperate with the state department of public instruction and the state board of higher education and other agencies and private organizations for the purpose of developing statewide educational telecommunication projects.~~

9. Adopt bylaws for the conduct of its affairs.
- ~~40.~~ 4. Publish the informational material it deems necessary.
- ~~41.~~ 5. ~~Carry on~~ Conduct a continuing study ~~relating to assess~~ the needs, resources, and facilities which are available or may be required to establish educational ~~telecommunication programs and~~ technology systems throughout the entire state.
- ~~42.~~ 6. ~~Contract with eligible applicants to build and operate public television stations in this state. Eligible applicants are those licensed by the federal communications commission to operate noncommercial public television stations. Operational contracts may not exceed the amount raised within the preceding fiscal year by the applicant from nontax sources in this state~~ Receive gifts and grants from private and public sources to be expended for educational technology projects.

SECTION 4. AMENDMENT. Section 15-65-06 of the North Dakota Century Code is amended and reenacted as follows:

15-65-06. Plan for statewide system of interactive telecommunications educational technology - Solicitation of grants. In developing and implementing a plan for a statewide system of ~~interactive telecommunications educational technology,~~ the educational telecommunications council shall solicit grants to be used in conjunction with moneys appropriated by the legislative assembly for ~~telecommunications educational technology.~~ Any moneys appropriated by the legislative assembly for ~~telecommunications educational technology,~~ unless specifically provided otherwise, and any grants received in accordance with this section must be used to implement the plan developed by the educational telecommunications council pursuant to this chapter."

Page 10, line 12, after "Sections" insert "15-65-04,"

Page 10, after line 14, insert:

"SECTION 15. LEGISLATIVE INTENT - GRANTS FOR THE CENTER FOR INNOVATION IN INSTRUCTION AND SENDIT. It is the intent of the fifty-fifth legislative assembly that the funds appropriated in section 19 of this Act for grants to the Center for Innovation in Instruction and the SENDIT network be distributed by the educational telecommunications council to support teacher and school staff training in educational technology through the Center for Innovation in Instruction and to support the electronic connectivity and networking of schools through the SENDIT network.

SECTION 16. LEGISLATIVE INTENT - MYRDAL FUND FOR TECHNOLOGY IN CURRICULUM AND STAFF DEVELOPMENT. It is the intent of the fifty-fifth legislative assembly that the funds appropriated in section 19 of this Act for the Myrdal fund for technology in curriculum and staff development be used for grants to school districts to encourage the integration of technology into school curriculum and to support staff development programs relating to the use of technology. The Myrdal fund for technology in curriculum and staff development board of directors, as provided in House Bill No. 1476 as approved by the fifty-fifth legislative assembly, shall distribute any moneys in the Myrdal fund for technology in curriculum and staff development in cooperation with the educational telecommunications council, to avoid duplication in the distribution of grant funds for educational technology projects.

SECTION 17. LEGISLATIVE INTENT - PRAIRIE PUBLIC BROADCASTING - MATCHING GRANTS. It is the intent of the fifty-fifth legislative assembly that prairie public broadcasting receive grants from the educational telecommunications council. The grants are to be distributed four times each year, in July, October, January, and April. The grants must be fifty cents for each dollar raised by prairie public broadcasting during the three-month period ending in the month immediately preceding the month in which the grants must be distributed. In determining the amount of the grant, revenue from the following sources must be considered: membership contributions for prairie public television and prairie public radio from North Dakota residents, program underwriting contributions raised from organizations doing business in North Dakota, and fees received for the prairie on-line program. Grants may not exceed \$475,000 during any state fiscal year. If, as of June thirtieth of any year, the amount of grants distributed during the preceding twelve months is less than \$475,000, the undistributed amount available for that fiscal year must be deposited in the state general fund.

SECTION 18. LEGISLATIVE INTENT - TECHNOLOGY REIMBURSEMENT PAYMENTS. It is the intent of the fifty-fifth legislative assembly that the funds appropriated in section 19 of this Act for technology reimbursement payments be used for reimbursing school districts for technology-related expenditures. The educational telecommunications council shall determine the maximum amount to which each school district is entitled by dividing the number of elementary and secondary students in average daily membership in this state into the funds appropriated in section 19 of this Act for technology reimbursement payments and then multiplying the result by the number of students in average daily membership in each district. Upon receiving substantiating documentation from a school district indicating the expenditure of funds on or after July 1, 1996, for the acquisition of computer technology for student uses or instructional purposes, interactive television, or teacher inservice programs related to the use of computer technology in classroom instruction, the educational telecommunications council shall provide reimbursement to the school district in an amount equal to that expended but not exceeding that to which the school district is entitled.

SECTION 19. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income, to the educational telecommunications council for grants for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Grants - educational telecommunications council discretionary grants	\$1,000,000
Grants - center for innovation in instruction	297,250
Grants - prairie public broadcasting	950,000
Grants - Myrdal fund for technology in curriculum and staff development	1,300,000
Grants - SENDIT	876,000
Grants - technology reimbursement payments	<u>3,800,000</u>
Total all funds	\$8,223,250
Less estimated income	<u>196,000</u>
Total general fund appropriation	\$8,027,250

SECTION 20. APPROPRIATION. The fund provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the legislative council for the purpose of defraying the expenses of the information technology management division for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Salaries and wages	\$750,528
Operating expenses	66,248
Equipment	<u>31,500</u>
Total general fund appropriation	\$848,276"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 160 - LEGISLATIVE COUNCIL

HOUSE - This amendment changes the membership of the Educational Telecommunications Council to include the director of the Legislative Council's Information Technology Management Division and requires that the Educational Telecommunications Council perform its duties in cooperation with the Information Technology Management Division. This amendment requires that reimbursement for members of the Educational Telecommunications Council be paid by the Legislative Council. This amendment changes the powers and duties of the Educational Telecommunications Council to reflect an emphasis on developing statewide educational technology systems.

This amendment provides legislative intent regarding grants for the Center for Innovation in Instruction, the SENDIT network, the Myrdal fund for technology in curriculum and staff development, Prairie Public Broadcasting, and technology reimbursement payments.

This amendment also appropriates \$8,223,250 (\$8,027,250 general fund, \$196,000 other funds) to the Educational Telecommunications Council for grants. Of this amount \$1 million is for grants to be distributed as determined by the Educational Telecommunications Council.

This amendment also provides a general fund appropriation of \$848,276, including seven FTE positions for the Information Technology Management Division as follows:

	1997-99 BIENNIUM
Salaries and wages:	
Director	\$178,332
Planner	107,220
Planner	107,220
Standards/research position	93,000
Auditor	93,000
Auditor	85,878
Auditor	<u>85,878</u>
Total salaries and wages	\$750,528
Operating expenses	66,248
Equipment (office renovation costs)	<u>31,500</u>
Total	\$848,276

REPORT OF STANDING COMMITTEE

HB 1019: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and to provide a statement of" with "to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to deposit and allocation of sales tax revenues in the state aid distribution fund; to repeal sections 54-27-20.2, 54-27-20.3, and chapter 57-58 of the North Dakota Century Code, relating to state revenue sharing distribution and personal property tax replacement; and to provide an effective date."

Page 1, remove line 3

Page 1, line 9, replace "biennium" with "period" and replace "June 30, 1999" with "December 31, 1998"

Page 1, line 11, replace "51,500,000" with "38,625,000"

Page 1, line 12, replace "51,500,000" with "38,625,000"

Page 1, replace lines 13 through 19 with:

"SECTION 2. AMENDMENT. Section 57-39.2-26.1 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.1. Allocation of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement among political subdivisions. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to ~~sixty~~ forty percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The Revenues deposited in the state aid distribution fund are provided as a standing and continuing appropriation and must be allocated, subject to legislative appropriation, as follows:

1. Fifty percent of the revenues must be allocated in the first month subsequent to each quarterly period for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3. Fifty-three and seven-tenths percent of the revenues must be allocated to counties in the first month after each quarterly period as provided in this subsection.

- a. Ten and four-tenths percent of the amount must be allocated among counties with a population of one hundred thousand or more, based upon the proportion each such county's population bears to the total population of all such counties.
- b. Eighteen percent of the amount must be allocated among counties with a population of forty thousand or more but fewer than one hundred thousand, based upon the proportion each such county's population bears to the total population of all such counties.
- c. Twelve percent of the amount must be allocated among counties with a population of twenty thousand or more but fewer than forty thousand, based upon the proportion each such county's population bears to the total population of all such counties.
- d. Fourteen percent of the amount must be allocated among counties with a population of ten thousand or more but fewer than twenty thousand, based upon the proportion each such county's population bears to the total population of all such counties.
- e. Twenty-three and two-tenths percent of the amount must be allocated among counties with a population of five thousand or more but fewer than ten thousand, based upon the proportion each such county's population bears to the total population of all such counties.
- f. Eighteen and three-tenths percent of the amount must be allocated among counties with a population of two thousand five hundred or more but fewer than five thousand, based upon the proportion each such county's population bears to the total population of all such counties.
- g. Four and one-tenth percent of the amount must be allocated among counties with a population of fewer than two thousand five hundred, based upon the proportion each such county's population bears to the total population of all such counties.

A county shall deposit all revenues received under this subsection in the county general fund. Each county shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, townships, rural fire protection districts, rural ambulance districts, soil conservation districts, county recreation service districts, county hospital districts, the Garrison diversion conservancy district, the southwest water authority, and other taxing districts within the county, excluding school districts, cities, and taxing districts within cities. The share of the county allocation under this subsection to be distributed to a township must be equal to the percentage of the county share of state aid distribution fund allocations that township received during calendar year 1996. The governing boards of the county and township may agree to a different distribution.

2. Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01. Forty-six and three-tenths percent of the revenues must be allocated to cities in the first month after each quarterly period as provided in this subsection.
 - a. Fifty-three and nine-tenths percent of the amount must be allocated among cities with a population of twenty thousand or more, based upon the proportion each such city's population bears to the total population of all such cities.
 - b. Sixteen percent of the amount must be allocated among cities with a population of ten thousand or more but fewer than twenty thousand, based upon the proportion each such city's population bears to the total population of all such cities.
 - c. Four and nine-tenths percent of the amount must be allocated among cities with a population of five thousand or more but fewer than ten thousand, based upon the proportion each such city's population bears to the total population of all such cities.

- d. Thirteen and one-tenth percent of the amount must be allocated among cities with a population of one thousand or more but fewer than five thousand, based upon the proportion each such city's population bears to the total population of all such cities.
- e. Six and four-tenths percent of the amount must be allocated among cities with a population of five hundred or more but fewer than one thousand, based upon the proportion each such city's population bears to the total population of all such cities.
- f. Three and five-tenths percent of the amount must be allocated among cities with a population of two hundred or more but fewer than five hundred, based upon the proportion each such city's population bears to the total population of all such cities.
- g. Two and two-tenths percent of the amount must be allocated among cities with a population of fewer than two hundred, based upon the proportion each such city's population bears to the total population of all such cities.

A city shall deposit all revenues received under this subsection in the city general fund. Each city shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, park districts and other taxing districts within the city, excluding school districts. The share of the city allocation under this subsection to be distributed to a park district must be equal to the percentage of the city share of state aid distribution fund allocations that park district received during calendar year 1996, up to a maximum of thirty percent. The governing boards of the city and park district may agree to a different distribution.

SECTION 3. REPEAL. Sections 54-27-20.2 and 54-27-20.3 and chapter 57-58 of the North Dakota Century Code are repealed.

SECTION 4. EFFECTIVE DATE. Sections 2 and 3 of this Act are effective on January 1, 1999."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 85 - PAYMENTS TO POLITICAL SUBDIVISIONS

HOUSE - This amendment reduces the amount of funding deposited in the state aid distribution fund from an amount equal to 60 percent of one percent of the net sales, use, and motor vehicle excise tax collections to an amount equal to 40 percent of one percent of the net sales, use, and motor vehicle excise tax collections. In addition the amendment provides that revenues deposited in the state aid distribution fund are appropriated as a continuing appropriation. This change becomes effective January 1, 1999.

The appropriation was reduced to cover the first 18 months of the biennium (the period beginning July 1, 1997, and ending December 31, 1998) after which time the funds are appropriated through a continuing appropriation. The appropriation was thereby reduced from \$51,500,000 to \$38,625,000, a reduction of \$12,875,000. The reduction in the appropriation does not reflect a decrease in the payments to political subdivisions. The \$51,500,000 was decreased proportionately for the time period the appropriation is to cover.

REPORT OF STANDING COMMITTEE

HB 1003: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "12,833,337" with "12,618,076"

Page 1, line 12, replace "4,606,400" with "4,601,576"

Page 1, line 13, replace "1,017,900" with "1,014,600"

Page 1, line 22, replace "26,405,085" with "26,181,700"

Page 1, line 23, replace "13,478,761" with "13,495,641"

Page 1, line 24, replace "12,926,324" with "12,686,059"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE SEX OFFENDER REGISTRATION PROGRAM	REMOVES FEDERAL FUND POSITIONS	ADDS CRIMINAL INVESTIGATORS	REMOVES DATA PROCESSING FUNDING	OTHER CHANGES	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$12,833,337	\$(27,848)	\$(180,648)	\$183,000	\$(233,000)	\$(189,765)6	\$(215,261)	\$12,618,076
Operating expenses	4,606,400	(10,237)	180,648			189,765 6	(4,824)	4,601,576
Equipment	1,017,900	(3,300)					(3,300)	1,014,600
Grants	5,790,003							5,790,003
Arrest and return of fugitives	18,795							18,795
Controlled substance	4,000							4,000
Litigation fees	139,024							139,024
Gaming Commission	19,400							19,400
Racing Commission	219,744							219,744
National criminal history improve- ment project	1,135,781							1,135,781
Law enforcement programs	620,701							620,701
Total	\$26,405,085	\$(41,385) ¹	\$ 0 ²	\$183,000 ³	\$(233,000) ⁵	\$ 0	\$(223,385)	\$26,181,700
General fund	\$12,926,324	\$(41,385)	\$ 0	\$183,000	\$(233,000)	\$(16,880)7	\$(240,265)	\$12,686,059
Special funds	13,478,761					16,8807	16,880	13,495,641
Total	\$26,405,085	\$(41,385)	\$ 0	\$183,000	\$(233,000)	\$ 0	\$(223,385)	\$26,181,700
FTE	162.50	(0.50)	(16.00)	2.00	0.00	(3.00)	(17.50)	145.00

¹ Removes funding for the sex offender registration program added in the executive budget.

² Removes positions in the Bureau of Criminal Investigation associated with the following federal programs:

- National instant check system (4) FTE - Funding is moved to operating expenses
- National criminal history improvement project (8) FTE
- Law enforcement programs (4) FTE

³ Adds funding for two criminal investigators in the Bureau of Criminal Investigation (funding is being moved from House Bill No. 1180 that relates to the unlawful use of drugs).

⁴ Removes funding added in the executive budget for the operating costs associated with the automated fingerprint identification system (AFIS).

⁵ Removes funding added in the executive budget for rewriting outdated data processing programs.

6 Removes the following vacant positions and moves funding associated with the positions to operating expenses for contracting for services or other purposes:

	FEDERAL FUNDS
1 FTE vacant programmer/analyst II	\$ 90,737
1 FTE vacant assistant attorney general	<u>99,028</u>
1 FTE vacant intelligence coordinator	
Total	\$189,765

7 Removes funding added in the executive budget for increasing the general fund share of the cost of the consumer protection investigator from 53 percent to 78 percent. The general fund share of the cost of this position included in the House version is 55 percent.

REPORT OF STANDING COMMITTEE

HB 1041, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1041 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "to provide an appropriation;"

Page 9, replace lines 1 through 5 with:

"SECTION 15. COMPUTER DEVELOPMENT - BUDGET SECTION APPROVAL. Except as may be waived by approval of the budget section of the legislative council, the department of human services shall meet the requirements provided by the administration for children and families of the United States department of health and human services in its communication dated February 12, 1997, related to the state's development of the reforming and enhancing services for the people of North Dakota (RESPOND) and training, education, employment, and management (TEEM) projects. The requirements include information regarding client eligibility and expert system rules, cost benefit analysis for the TEEM and RESPOND projects, and a revised budget for the TEEM and RESPOND projects. The department of human services may not spend the related general fund appropriations provided by the fifty-fifth legislative assembly until the department receives assurances that the requirements will be met."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - This amendment removes the appropriation of \$1,059,000 from the general fund for financial assistance to Indian counties for human service program and administrative costs to be funded in House Bill No. 1012 and adds a section that requires the Department of Human Services to meet the requirements of correspondence dated February 12, 1997, except as waived by the Budget Section, and provides the department may not spend the related general fund appropriations until the requirements are met.

REPORT OF STANDING COMMITTEE

HB 1047, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1047 was placed on the Sixth order on the calendar.

Page 7, line 14, replace "the state hospital or another" with "an"

Page 7, line 15, after "or" insert "treatment" and after the first "program" insert ", if available"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 330 - STATE HOSPITAL

HOUSE - This amendment allows sexually dangerous individuals to be placed in any appropriate treatment facility or program, if available, rather than requiring placement in the State Hospital or other appropriate facility.

REPORT OF STANDING COMMITTEE

HB 1025: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide for payments in lieu of taxes; to provide for retroactive application;"

Page 1, line 11, replace "7,702,494" with "7,632,843"

Page 1, line 17, replace "63,616,809" with "63,547,158"

Page 1, line 18, replace "56,558,176" with "56,488,525"

Page 2, after line 14, insert:

"SECTION 7. Payments in lieu of real estate taxes. For land acquired for the Devils Lake project, the state water commission shall make payments in lieu of real estate taxes to the counties in which the property is located in the same manner and according to the same conditions and procedures as provided in chapter 57-02.1 for payments in lieu of real estate taxes by the state game and fish department.

SECTION 8. Potential damage caused by construction of Devils Lake outlet. The state engineer shall establish a baseline of existing conditions and assess, verify, and quantify potential damage to downstream landowners and property caused by construction of an outlet from Devils Lake to the Sheyenne River. In doing so, the state engineer shall consider clearing and snagging operations, damage to basic infrastructure such as roads, culverts, and bridges caused by riverbank erosion and flooding, increased water treatment costs, and any other potential damage that may be of concern to downstream landowners. The sum of one hundred thousand dollars, or so much of the sum as may be necessary, from special and other funds that may be available to the state water commission, as provided in section 1 of this Act, may be used to defray the costs of this effort.

SECTION 9. LEGISLATIVE INTENT - RESOURCES TRUST FUND USES. It is the intent of the fifty-fifth legislative assembly that the amount of \$13,473,548 from the resources trust fund, as included in the estimated income line item in section 1 of this Act, be used for the following:

Project contracts entered into prior to July 1, 1997	\$ 2,000,000
General projects	1,182,663
Devils Lake	2,000,000
Nesson valley irrigation	1,000,000
Maple River flood control	2,000,000
Northwest area water supply	50,000
Southwest pipeline project	2,600,000
Agency operations	1,985,885
Hydrologic studies	<u>655,000</u>
Total	\$13,473,548 "

Page 4, after line 8, insert:

"SECTION 11. RETROACTIVE APPLICATION. Section 7 of this Act is retroactive in application to January 1, 1996."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

HOUSE - This amendment removes the authority for three FTE maintenance worker II positions which are vacant. The authority for these positions is included in the agency's 1997-99 FTE authority, but no funding for the positions is included in the executive recommendation.

This amendment also reduces special funds appropriation authority for salaries and wages for two positions which will not be filled at the beginning of the 1997-99 biennium. The funding is reduced by \$23,886 for an electrician III position which will not be filled until January 1, 1998. Funding is also reduced by \$45,765 for an engineering technician IV position which will not be filled until July 1, 1998.

This amendment requires the Water Commission to make in lieu of real estate taxes for land acquired for the Devils Lake project and allows the commission to use up to \$100,000 of its appropriation for the 1997-99 biennium for examining the condition of downstream property and assessing any potential damages that may result from construction of a Devils Lake outlet.

This amendment also provides legislative intent relating to the use of moneys in the resources trust fund.

	1997-99 EXECUTIVE RECOMMENDATION	DELETE UNFUNDED POSITIONS	REDUCED FUNDING FOR POSITIONS VACANT FOR A PORTION OF 1997-99	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$ 7,702,494		\$ (69,651)	\$ (69,651)	\$ 7,632,843
Operating expenses	9,527,402				9,527,402
Equipment	152,250				152,250
Capital improvements	32,800,000				32,800,000
Grants	10,384,663				10,384,663
Cooperative research	<u>3,050,000</u>				<u>3,050,000</u>
Total	\$63,616,809	\$ 0	\$ (69,651)	\$ (69,651)	\$63,547,158
General fund	\$ 7,058,633				\$ 7,058,633
Other funds	<u>56,558,176</u>		<u>\$ (69,651)</u>	<u>\$ (69,651)</u>	<u>56,488,525</u>
Total	\$63,616,809	\$ 0	\$ (69,651)	\$ (69,651)	\$63,547,158
FTE	85.00	(3.00)		(3.00)	82.00

REPORT OF STANDING COMMITTEE

HB 1050, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (13 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1050 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1052, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (17 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1052 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1071, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1071 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "and" with "to provide for a transfer of funds;" and after "date" insert "; and to declare an emergency"

Page 1, line 13, overstrike "**(Effective through June 30,**", remove "1999", and overstrike the closing parenthesis

Page 1, line 16, remove the overstrike over "~~Twenty~~" and remove "Thirty"

Page 2, line 15, remove the overstrike over "~~Sixty~~" and remove "Fifty"

Page 2, line 17, overstrike "**(Effective July 1,**", remove "1999", and overstrike ") **Allocation of moneys in oil extraction tax**"

Page 2, overstrike lines 18 and 19

Page 2, line 20, overstrike "1.", remove "Twenty", and overstrike "percent must be allocated and credited to the sinking fund established"

Page 2, overstrike lines 21 through 31

Page 3, overstrike lines 1 through 10

Page 3, line 11, overstrike "3.", remove "Sixty", and overstrike "percent must be allocated and credited to the state's general fund"

Page 3, overstrike line 12

Page 3, after line 12, insert:

"SECTION 3. TRANSFER. During the biennium beginning July 1, 1997, and ending June 30, 1999, the director of the office of management and budget shall transfer \$2,000,000 from the state general fund to the resources trust fund.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on July 1, 1997.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

HOUSE - This amendment continues the allocation of oil extraction tax revenues as follows:

- Twenty percent to the resources trust fund.
- Twenty percent as provided in Section 24 of Article X of the Constitution of North Dakota.
- Sixty percent to the state general fund.

This amendment also provides that during the 1997-99 biennium, \$2 million will be transferred from the state general fund to the resources trust fund.

REPORT OF STANDING COMMITTEE

HB 1226, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (19 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1226 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1393, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1393 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "forty-six" with "fifty-nine"

Page 1, line 23, replace "forty-seven" with "sixty-one"

Page 3, line 9, replace "thirty-two" with "thirty-three"

Page 3, line 10, overstrike "thirty-two" and insert immediately thereafter "thirty-four"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1431: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1431 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and for defraying the expenses of a computer system to register and"

Page 1, line 3, remove "license pesticides, fertilizers, feeds, and livestock medicines"

Page 1, line 7, replace "\$258,167" with "\$215,167"

Page 1, remove lines 11 through 16

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

HOUSE - The amendment reduces the appropriation from the environment and rangeland protection fund for noxious weed control by \$43,000, from \$258,167 to \$215,167.

The amendment removes Section 2 which included a \$45,000 appropriation from the environment and rangeland protection fund for costs relating to the registration and licensing computer system.

REPORT OF STANDING COMMITTEE

HCR 3045: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3045 was placed on the Tenth order on the calendar.

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

SIXTH ORDER OF BUSINESS

HB 1019: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to make an appropriation for the distribution of state aid distribution fund revenue to political subdivisions of the state of North Dakota; to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to deposit and allocation of sales tax revenues in the state aid distribution fund; to repeal sections 54-27-20.2, 54-27-20.3, and chapter 57-58 of the North Dakota Century Code, relating

to state revenue sharing distribution and personal property tax replacement; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Gertholz; Glassheim; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Galvin; Gorder; Kliniske; Schmidt; Thompson

HB 1019, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1025: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of the oil extraction tax development fund; to provide for payment in lieu of taxes; to provide for retroactive 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 90 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gertholz; Glassheim; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Nichols; Warner; Wilkie

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Thompson

HB 1025, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1034: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1034: A BILL for an Act to create and enact eight new sections to chapter 54-35 and a new section to chapter 54-44.2 of the North Dakota Century Code, relating to establishing an information technology management division of the legislative council and providing for information technology planning, standards setting, and reviews; to amend and reenact sections 15-65-01, 15-65-02, 15-65-03, 15-65-06, 54-44.2-00.1, 54-44.2-01, 54-44.2-02, 54-44.2-04, 54-44.2-06, 54-44.2-07, and 54-44.2-08 of the North Dakota Century Code, relating to the educational telecommunications council and duties and responsibilities of the information services division; to repeal sections 15-65-04, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-02.3, 54-44.2-02.4, and 54-44.2-02.5 of the North Dakota Century Code, relating to the educational telecommunications council and duties and responsibilities of the information services division; to provide a statement of legislative intent; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 23 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Olson; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Speaker Timm

NAYS: Aarsvold; Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Gulleson; Hanson; Keiser; Kerzman; Kilzer; Murphy; Nichols; Niemeier; Nottestad; Oban; Poolman; Rose; Sandvig; Stenehjem; Thorpe; Wilkie

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Thompson; Wentz

Engrossed HB 1034, as amended, passed and the title was agreed to.

MOTION

REP. FREIER MOVED that HB 1052 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1052: A BILL for an Act to provide an appropriation for the reimbursement of school districts expending funds for technology.

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 18 YEAS, 75 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Callahan; Fairfield; Glassheim; Grumbo; Gulleson; Kelsh, S.; Kerzman; Kroepelin; Mahoney; Maragos; Nichols; Niemeier; Oban; Rose; Thorpe; Warner; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Thompson

Engrossed HB 1052 was declared lost.

SIXTH ORDER OF BUSINESS

HB 1431: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1431: A BILL for an Act to provide appropriations to the commissioner of agriculture for biological weed control programs.

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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Thorpe

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Thompson

Engrossed HB 1431, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1071: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1071: A BILL for an Act to provide for a statewide water development program; to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of the oil extraction tax development fund; to provide for a transfer of funds; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 13 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Aarsvold; Callahan; Fairfield; Glassheim; Gulleson; Hanson; Nichols; Niemeier; Oban; Rose; Thorpe; Warner; Wilkie

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Thompson

Engrossed HB 1071, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

HB 1393, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

REP. DROVDAL REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1393, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1393, the roll was called and there were 47 YEAS, 45 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Byerly; Callahan; Carlisle; Christenson; Coats; Dalrymple; Delmore; Freier; Gerntholz; Glassheim; Grumbo; Gunter; Hanson; Hausauer; Henegar; Huether; Jacobs; Jensen; Keiser; Kelsch, R.; Kilzer; Koppelman; Kunkel; Maragos; Martinson; Mickelson; Nicholas; Nottestad; Oban; Poolman; Price; Rennerfeldt; Rose; Sabby; Skarphol; Soukup; Svedjan; Thoreson; Tollefson; Wald; Wardner; Wentz; Speaker Timm

NAYS: Aarsvold; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Carlson; Christopherson; Clark; DeKrey; Delzer; Devlin; Dorso; Drovdal; Fairfield; Froseth; Galvin; Grande; Grosz; Gulleson; Hawken; Johnsen, C.; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Klein; Kretschmar; Kroepelin; Lloyd; Mahoney; Monson; Murphy; Nelson; Nichols; Niemeier; Olson; Renner; Sandvig; Sveen; Thorpe; Torgerson; Warner; Weisz; Wilkie

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Stenehjem; Thompson

The motion to adopt the proposed amendments to Engrossed HB 1393 passed.

SECOND READING OF HOUSE BILL

HB 1393: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to supplemental payments to high school districts; and to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, and 57-15-14 of the North Dakota Century Code, relating to per student payments, the school district equalization factor, and tax levy limitations in school districts.

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 53 YEAS, 39 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Byerly; Callahan; Carlisle; Christenson; Christopherson; Dalrymple; Delmore; Devlin; Dorso; Froseth; Gerntholz; Glassheim; Grande; Grumbo; Gunter; Hanson; Hausauer; Hawken; Huether; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Koppelman; Kunkel; Maragos; Martinson; Monson; Nelson; Nicholas; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Soukup; Svedjan; Sveen; Thoreson; Tollefson; Wald; Wardner; Wentz

NAYS: Aarsvold; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Carlson; Clark; Coats; DeKrey; Delzer; Drovdal; Fairfield; Freier; Galvin; Grosz; Gulleson; Henegar; Jacobs; Johnson, D.; Kempenich; Kerzman; Kretschmar; Kroepelin; Lloyd; Mahoney; Mickelson; Murphy; Nichols; Niemeier; Renner; Sandvig; Skarphol; Thorpe; Torgerson; Warner; Weisz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Stenehjem; Thompson

Engrossed HB 1393, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1050: A BILL for an Act to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, and 57-15-14 of the North Dakota Century Code, relating to per student payments, the school district equalization factor, and tax levy limitations in school districts; and to provide a statement of intent regarding foundation aid dollars.

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 23 YEAS, 69 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Brusegaard; DeKrey; Drovdal; Fairfield; Freier; Froseth; Gullerson; Kempenich; Kerzman; Kretschmar; Kroeplin; Lloyd; Murphy; Nelson; Nichols; Niemeier; Skarphol; Warner; Weisz; Wilkie

NAYS: Axtman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Delzer; Devlin; Dorso; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Koppelman; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Soukup; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Stenehjem; Thompson

Engrossed HB 1050 was declared lost.

SIXTH ORDER OF BUSINESS

HB 1041, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to create and enact four new sections to chapter 50-01.2, four new sections to chapter 50-03, a new subsection to section 50-06-05.1, a new section to chapter 50-06, a new section to chapter 50-24.1, and a new section to chapter 50-24.5 of the North Dakota Century Code, relating to the administration and financing of human services programs; to repeal sections 50-03-07, 50-09-16, 50-09-17, 50-09-18, 50-09-20, 50-09-20.1, 50-09-20.2, 50-09-21, 50-09-22, 50-24.1-03, and 50-24.5-06 of the North Dakota Century Code, relating to the administration and financing of human service programs; to require a legislative council study; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Gorder; Kliniske; Schmidt; Thompson

Engrossed HB 1041, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1226: A BILL for an Act to provide temporary requirements for administration of temporary assistance for needy families; to create and enact a new subsection to section 14-03-17, a new section to chapter 14-05, two new sections to chapter 14-08.1, five new sections to chapter 14-09, a new subsection to section 14-17-09, a new section to chapter 14-17, a new subsection to section 14-17-14, a new section to chapter 14-19, a new subsection to section 23-02.1-19, a new section to chapter 28-21, a new chapter to title 34, a new chapter to title 35, a new chapter to title 43, and ten new sections to

chapter 50-09 of the North Dakota Century Code, relating to the implementation of federal welfare reform in North Dakota; to amend and reenact sections 11-17-07, 14-08.1-05, 14-08.1-06, 14-08.1-07, 14-09-08.1, 14-09-08.4, 14-09-08.6, 14-09-08.9, 14-09-08.10, 14-09-08.11, 14-09-08.13, 14-09-08.14, 14-09-09.3, subsection 4 of section 14-09-09.7, sections 14-09-09.10, 14-09-09.13, 14-09-09.14, 14-09-09.15, 14-09-09.16, 14-09-09.17, 14-09-09.24, 14-09-09.25, 14-17-10, subsection 4 of section 14-17-13, sections 14-17-16, 14-19-03, 14-19-05, 14-19-06, 14-19-10, subsection 5 of section 23-02.1-13, sections 50-06-01.4, 50-06-01.8, 50-09-01, 50-09-02, 50-09-02.1, 50-09-03, 50-09-06, 50-09-09, 50-09-14, 50-09-20, 50-09-20.1, 50-09-21, 50-09-22, and 50-09-24 of the North Dakota Century Code, relating to the implementation of federal welfare reform in North Dakota; to repeal sections 14-09-09.23, 50-06-06.8, 50-08.1-02, 50-09-16, 50-09-17, and 50-09-22 of the North Dakota Century Code, relating to procedures for income withholding and the state and county shares of the cost of the aid to families with dependent children program; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; to provide for a legislative council study; to provide for a statewide task force; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 24 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kilzer; Klein; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nottestad; Olson; Poolman; Price; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Bernstein; Boehm; Brown; Callahan; Coats; Fairfield; Grosz; Gulleeson; Jacobs; Kelsh, S.; Kempenich; Kerzman; Koppelman; Kretschmar; Lloyd; Murphy; Nichols; Niemeier; Oban; Renner; Rose; Sandvig; Warner

ABSENT AND NOT VOTING: Delzer; Gorder; Kliniske; Nicholas; Schmidt; Thompson

Engrossed HB 1226 passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

HB 1003: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; and to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general.

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, 26 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Christopherson; Clark; Dalrymple; DeKrey; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Aarsvold; Belter; Boucher; Brandenburg; Callahan; Carlson; Christenson; Coats; Delmore; Delzer; Fairfield; Glassheim; Grosz; Grumbo; Gulleeson; Kelsh, S.; Kerzman; Mahoney; Niemeier; Oban; Rose; Sandvig; Skarphol; Thorpe; Warner; Wilkie

ABSENT AND NOT VOTING: Gorder; Kliniske; Nicholas; Schmidt; Thompson

HB 1003, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1047, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1047: A BILL for an Act to create and enact chapter 25-03.3 of the North Dakota Century Code, relating to civil commitment of sexually dangerous individuals.

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, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Callahan; Christenson; Glassheim; Thorpe

ABSENT AND NOT VOTING: Gorder; Kliniske; Nicholas; Schmidt; Thompson

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

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3045: A concurrent resolution directing the Legislative Council to study alternative budgeting methods that use performance reviews to evaluate proposed agency budgets.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Gorder; Kliniske; Nicholas; Schmidt; Thompson

HCR 3045 was declared adopted on a recorded roll call vote.

REQUEST

REP. DORSO REQUESTED that the following remarks be printed in the Journal, which request was granted.

Monday, January 20, 1997, was Martin Luther King Day and Monday, February 17, 1997, was George Washington's birthday, both official state holidays. Although both days were paid holidays for most state employees, Legislative Assembly employees were required to work on both days. The Legislative Assembly will be in recess on Monday and Tuesday, February 24-25, 1997. Legislative Assembly employees will be paid for those two days in lieu of the two holidays.

Employees of the House of Representatives (or Senate) have worked many hours of uncompensated overtime since the session began. In recognition of that uncompensated overtime, employees of the House (or Senate) will be paid for Friday, February 21, 1997 (or whatever other days may be included), even though the House (or Senate) will be in recess on that day.

MOTION

REP. DORSO MOVED that the House stand in recess until 9:30 p.m., which motion prevailed.

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

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1006, HB 1008, HB 1029, HB 1039, and HB 1040.

HOUSE REENGROSSING REPORT

The following bill was reengrossed: HB 1312.

REPORT OF STANDING COMMITTEE

HB 1015: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1015 was placed on the Sixth order on the calendar.

Page 1, line 6, after the semicolon insert "to provide directives relating to 911 telephone services; to provide for program reductions if federal programs are terminated or reduced; to provide for a transfer from the North Dakota insurance reserve fund to the office of management and budget; to provide for a transfer from the information services division operating fund to the state general fund; to provide legislative intent regarding legislative renovations; and replace "section" with "sections 32-12.2-06 and"

Page 1, line 7, after "the" insert "state risk management fund and to the"

Page 1, line 19, replace "8,268,512" with "8,260,692"

Page 1, line 23, replace "57,214,108" with "57,206,288"

Page 2, line 2, replace "15,217,888" with "15,210,068"

Page 2, line 5, replace "45,370,940" with "44,897,969"

Page 2, line 6, replace "45,370,940" with "44,897,969"

Page 2, line 9, replace "4,646,858" with "4,601,858"

Page 2, line 10, replace "4,646,858" with "4,601,858"

Page 2, line 12, replace "399,217" with "354,217"

Page 2, line 21, replace "19,742,049" with "19,689,229"

Page 2, line 22, replace "92,201,411" with "91,728,440"

Page 2, line 23, replace "111,943,460" with "111,417,669"

Page 2, remove lines 24 through 31

Page 4, line 28, replace "a comprehensive public communication" with "the mobile data communications"

Page 4, after line 29, insert:

"SECTION 11. STATE RADIO - 911 SERVICES. As required by section 18 of 1995 Senate Bill No. 2015, the fifty-fifth legislative assembly specifically provides state radio communications with the authority to expand its 911 services beyond the twenty-county limit set by the fifty-fourth legislative assembly. The authority to add Golden Valley county to its 911 service begins with the effective date of this Act and ends on June 30, 1999. State radio communications is then limited to providing 911 services to the counties being served as of June 30, 1999.

SECTION 12. FEDERAL PROGRAM TERMINATIONS - BLOCK GRANT - FUNDING REDUCTIONS - RELATED PROGRAM REDUCTIONS - REPORTS TO THE BUDGET SECTION. If the federal government during the 1997-99 biennium terminates funding for any program administered by an agency, department, or institution of the state of North Dakota, the agency, department, or institution, subject to budget section approval, may terminate the program and not replace the reduction in federal funds with state funds, notwithstanding any other provision of law. If the federal government combines funding for separate programs in a block grant resulting in a reduction of total federal funds available for those programs, the administering agency, department, or institution may, subject to budget section approval, prioritize or reprioritize programs as necessary in making programmatic reductions. The agency, department, or institution may administer funds available under a new federal block grant or similar measure, consistent with the terms of that measure, notwithstanding any other provisions of law intended to conform to or implement the provisions of the repealed federal Act, and shall report any program terminations, reductions, or changes resulting from this section to the budget section of the legislative council for its approval.

SECTION 13. RISK MANAGEMENT. The North Dakota insurance reserve fund shall transfer \$5,000,000 of excess equity investment in the North Dakota insurance reserve fund to the office of management and budget on July 1, 1997. This transfer represents final settlement with the North Dakota insurance reserve fund for any claim by the state to any funds held in reserve by the North Dakota insurance reserve fund for claims pending before July 1, 1997.

The recovery of the \$5,000,000, together with current reserves in the risk management fund, are considered sufficient reserves for claims anticipated in the 1997-99 biennium. Therefore, the following amounts shall be deducted from the budgets for risk management premiums as indicated:

AGENCY NAME	TOTAL CONTRIBUTIONS RECOMMENDED	
		1997-99
Governor	\$	5,807
Secretary of state		8,065
Office of management and budget		39,231
Information services division		44,199
State auditor		16,843
Central services		8,065
State treasurer		3,441
Attorney general		68,782
State tax commissioner		50,332
Office of administrative hearings		1,742
Legislative council		10,001
Supreme court		20,216
Judicial conduct commission		2,151
Trial courts		81,734
Retirement and investment office		6,129
Public employees retirement system		5,807
Superintendent of public instruction		42,732
North Dakota university system office		6,387
Board of university and school lands		5,408
Bismarck state college		45,205
University of North Dakota - Lake Region		13,657
University of North Dakota - Williston		14,984
University of North Dakota		332,362
University of North Dakota medical center		169,097
North Dakota state university		246,740
North Dakota state college of science		80,723
Dickinson state university		40,332
Mayville state university		23,424
Minot state university		99,680
Valley City state university		36,719

Minot state university - Bottineau	14,988
North Dakota forest service	7,024
State library	9,517
School for the deaf	16,864
School for the blind	11,275
State board for vocational and technical education	10,162
State department of health	171,531
Veterans home	29,930
Indian affairs commission	1,075
Department of veterans affairs	3,075
Children's services coordinating committee	645
Department of human services	717,420
Protection and advocacy project	13,764
Job service North Dakota	144,639
Insurance commissioner	16,453
Industrial commission	24,092
Labor commissioner	2,581
Public service commission	16,133
Aeronautics commission	1,742
Department of banking and financial institutions	10,323
Securities commissioner	3,011
Bank of North Dakota	67,754
North Dakota housing finance agency	16,453
North Dakota mill and elevator association	53,341
Workers compensation bureau	50,171
Highway patrol	105,931
State radio communications	9,678
Division of emergency management	9,033
Department of corrections and rehabilitation	210,807
Adjutant general	73,414
Department of economic development and finance	9,678
Agriculture commissioner	13,954
North Dakota agricultural products utilization commission	645
State seed department	10,307
Upper great plains transportation institute	3,871
North Dakota state university extension service	74,204
Northern crops institute	2,581
North Dakota state university main research center	109,137
Dickinson research center	4,115
Central grasslands research center	1,613
Hettinger research center	2,581
Langdon research center	2,179
North central research center	1,936
Williston research center	2,581
Carrington research center	4,678
Agronomy seed farm	968
Land reclamation research center	6,696
North Dakota state fair	3,637
State historical society	16,778
Council on the arts	1,774
Soil conservation committee	1,936
Game and fish department	40,167
Department of tourism	3,226
Department of parks and recreation	11,033
State water commission	36,566
Department of transportation	1,095,846
Total	\$4,815,508

SECTION 14. TRANSFER. The director of the office of management and budget shall transfer \$550,000, or an amount equal to the 1997-99 biennium costs relating to the information technology management division of the legislative council, whichever is less, from the information services operating fund to the general fund during the biennium beginning July 1, 1997, and ending June 30, 1999. The transfer is to reimburse the general fund for costs relating to information technology research, planning, monitoring, reviewing, and auditing and for assistance provided to agencies by the information technology management division of the legislative council.

SECTION 15. INTENT - LEGISLATIVE RENOVATIONS. It is the intent of the fifty-fifth legislative assembly that the facility management division of the office of management and budget convert, during the 1997-99 biennium, the house of

representatives lounge into a house committee room. The house conference room is then to be renovated and used to provide space and three telephone lines for the doctor of the day.

SECTION 16. AMENDMENT. Section 32-12.2-06 of the North Dakota Century Code is amended and reenacted as follows:

32-12.2-06. (~~Contingent expiration date — see Note~~) Liability insurance - Reinsurance. Upon approval of the director of the office of management and budget, an entity of the state may participate in a government self-insurance pool or may purchase insurance against liability of the entity and its employees for damages resulting from claims under this chapter. The director shall limit participation in government self-insurance pools and, except as provided in this section, the purchase of insurance to exposures determined to cause an excessive financial risk to the state risk management fund including exposures reasonably expected to deplete the fund and have a significant detrimental impact on the state's budget. The director shall develop a state self-insurance program that provides as much coverage as possible of potential liability recognized by this chapter, but that includes supplemental insurance purchases in a manner that is determined appropriate by the director in consultation with the state risk manager. The insurance may be provided by an insurance company authorized to do business in this state which the commissioner of insurance has determined to be responsible and financially sound, considering the extent of the coverage required, or coverage may be provided by a government self-insurance pool. If a premium savings will result and the director of the office of management and budget approves, the insurance policy or memorandum of coverage may be in force from one through three years from the date of issue. The director may procure an excess loss reinsurance contract for the state."

Page 5, line 13, replace "12" with "17"

Page 5, line 15, replace "12" with "17"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	INCREASED JANITORIAL COSTS FOR LEGISLATIVE SESSION	REMOVE ARCHITECTURAL POOL	ADD FUNDING FOR THE PRELIMINARY PLANNING REVOLVING LOAN FUND	REMOVE NEW FTE - EVENTS COORDINATOR	REMOVE NEW FTE - DIRECTOR OF CUSTODIAL SERVICES	TOTAL HOUSE CHANGES	HOUSE VERSION
Administration	\$ 3,405,558							\$ 3,405,558
Fiscal management	4,066,236							4,066,236
Facility Management	8,268,512	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	8,260,692
Central Personnel	1,126,728							1,126,728
Intergovernmental assistance	39,503,256							39,503,256
Risk management	843,818							843,818
Total all funds	\$57,214,108	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	\$57,206,288
Less estimated income	41,996,220							41,996,220
General fund	\$15,217,888	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	\$15,210,068
FTE	119.60				(1.00)	(1.00)	(2.00)	117.60
Salaries and wages	\$ 9,094,855	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(132,820)	\$ 8,962,035
Operating expenses	8,243,188							8,243,188
Equipment	506,215							506,215
Grants	37,934,000							37,934,000
Capital improvements	1,435,850							1,435,850
Total all funds	\$57,214,108	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	\$57,206,288
Less estimated income	41,996,220							41,996,220
General fund	\$15,217,888	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	\$15,210,068

The \$200,000 is to be used to establish a balance in the preliminary planning revolving loan fund, as recommended by the Budget Section. Pursuant to North Dakota Century Code (NDCC) Section 54-44.1-07, the Budget Section requested that the Office of Management and Budget include in the executive Budget presented to the 1997 Legislative Assembly money to be used for the preliminary planning revolving loan fund which is established by NDCC Section 54-27-22. The fund was originally established by the 1975 Legislative Assembly to be used for the prepayment of consultant and planning fees for capital improvement projects. The purpose of the fund is to assist agencies in preparing more accurate cost estimates for proposed capital projects.

This amendment also adds new Sections 12, 13, 14, 15, and 16 as follows:

Section 12 provides that if federal funding for a program is terminated during the 1997-99 biennium, the administering state agency, department, or institution shall terminate the program. It also provides that if the federal government reduces federal funding by combining the funding for separate programs into a block grant, the agency, department, or institution shall prioritize or reprioritize programs as necessary.

Section 13 provides for a transfer from the North Dakota insurance reserve fund of \$5,000,000 of excess equity investment in the North Dakota insurance reserve fund to the Office of Management and Budget.

Section 14 provides for a transfer equal to the costs associated with the Legislative Council's Information Technology Management Division up to \$550,000 from the Information Services Division's operating fund to the general fund during the 1997-99 biennium. The amount is a portion of the estimated revenue that will be generated as a result of increasing the Information Services Division's overhead rate by two percent from 2.9 percent to 4.9 percent for the 1997-99 biennium. Funding for the increase has been included in agency budget requests and the increase is based on the recommendations of Wolfe and Associates, Inc., to provide funding for planning, reviewing, and for research and development costs. These functions were originally included in the Information Services Division but are now being transferred to the Legislative Council and provided a general fund appropriation.

Section 15 provides legislative intent regarding legislative renovations.

Section 16 amends Section 32-12.2-06 relating to the state risk management fund. The change directs the director of the Office of Management and Budget to develop a state self-insurance program.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE PLANNING FUNCTIONS	TOTAL HOUSE CHANGES	HOUSE VERSION
Information resource management	\$45,370,940	\$(472,971)	\$(472,971)	\$44,897,969
Total all funds	\$45,370,940	\$(472,971)	\$(472,971)	\$44,897,969
Less estimated income	<u>45,370,940</u>	<u>(472,971)</u>	<u>(472,971)</u>	<u>44,897,969</u>
General fund	\$0	\$0	\$0	\$0
FTE	159.00	(4.00)	(4.00)	155.00
Salaries and wages	\$13,963,492	\$(442,611)	\$(442,611)	\$13,520,881
Operating expenses	27,522,448	(20,360)	(20,360)	27,502,088
Equipment	<u>3,885,000</u>	<u>(10,000)</u>	<u>(10,000)</u>	<u>3,875,000</u>
Total all funds	\$45,370,940	\$(472,971)	\$(472,971)	\$44,897,969
Less estimated income	<u>45,370,940</u>	<u>(472,971)</u>	<u>(472,971)</u>	<u>44,897,969</u>
General fund	\$0	\$0	\$0	\$0

DEPARTMENT 118 - CENTRAL SERVICES

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	DECREASE FUNDING FOR INFORMATION TECHNOLOGY SYSTEM	TOTAL HOUSE CHANGES	HOUSE VERSION
Central services	\$4,646,858	\$(45,000)	\$(45,000)	\$4,601,858
Total all funds	\$4,646,858	\$(45,000)	\$(45,000)	\$4,601,858

Less estimated income	<u>4,247,641</u>	_____	_____	<u>4,247,641</u>
General fund	\$399,217	\$(45,000)	\$(45,000)	\$354,217
FTE	27.00		0.00	27.00
Salaries and wages	\$1,790,989		\$0	\$1,790,989
Operating expenses	2,780,869	\$(22,500)	(22,500)	2,758,369
Equipment	<u>75,000</u>	<u>(22,500)</u>	<u>(22,500)</u>	<u>52,500</u>
Total all funds	\$4,646,858	\$(45,000)	\$(45,000)	\$4,601,858
Less estimated income	<u>4,247,641</u>	_____	_____	<u>4,247,641</u>
General fund	\$399,217	\$(45,000)	\$(45,000)	\$354,217

DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

HOUSE - This amendment adds a new Section 11 which allows State Radio to expand its 911 services by adding Golden Valley County. Section 18 of 1995 Senate Bill No. 2015 provided that State Radio could not expand beyond 20 counties until the Fifty-fifth Legislative Assembly addressed the future of 911 services provided by State Radio.

REPORT OF STANDING COMMITTEE

HB 1013: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "10,997,941" with "10,872,941"

Page 1, line 16, replace "8,574,344" with "8,764,344"

Page 1, line 18, replace "447,497,573" with "466,356,259"

Page 1, line 19, replace "2,225,000" with "3,100,000"

Page 1, after line 21, insert:

"Grants - goals 2000 2,600,000"

Page 1, line 22, replace "124,488,779" with "122,915,847"

Page 1, line 23, replace "50,000" with "50,000"

Page 1, remove line 24

Page 2, remove lines 1 through 4

Page 2, line 5, replace "707,501,618" with "705,251,455"

Page 2, line 6, replace "184,629,551" with "187,038,203"

Page 2, line 7, replace "522,872,067" with "518,213,252"

Page 2, line 10, replace "1,958,201" with "1,876,280"

Page 2, line 13, replace "1,178,600" with "1,260,521"

Page 2, line 24, replace "591,878" with "531,878"

Page 2, line 25, replace "4,528,329" with "4,588,329"

Page 2, line 28, replace "2,142,178" with "2,177,856"

Page 3, line 1, replace "3,281,582" with "3,317,260"

Page 3, line 3, replace "2,324,515" with "2,360,193"

Page 3, line 4, replace "532,661,121" with "528,097,984"

Page 3, line 5, replace "187,452,137" with "189,800,789"

Page 3, line 6, replace "720,113,258" with "717,898,773"

Page 3, after line 18, insert:

"SECTION 4. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the amount included in the grants - special education line item in subdivision 1 of section 1 of this Act be distributed as follows:

1. Ten million dollars to reimburse school districts or special education units for excess costs incurred relating to contracts for students with disabilities as required in sections 15-40.2-08, 15-59-06, and 15-59-07, and for boarding care reimbursements as required in section 15-59-07.2.
2. Four hundred thousand dollars to reimburse school districts or special education units for gifted and talented programs upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction. The superintendent of public instruction shall encourage cooperative efforts for gifted and talented programs among school districts and special education units.
3. Any amount remaining in the line item must be distributed on a per student basis as required by section 15-40.1-07.6, except that during each of the school years of the biennium a school district or special education unit may not receive less than ninety percent of the amount received during the 1993-94 school year from state special education funds, excluding reimbursements for student contracts, boarding care, and gifted and talented programs. State special education payments distributed as required by section 15-40.1-07.6 must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the medicaid program. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the district or unit.

SECTION 5. GOALS 2000 - PARTICIPATION VOLUNTARY. The school board of any school district may, on behalf of the district it represents, choose to participate or not to participate in Goals 2000 Educate America Act, Public Law No. 103-227 [108 Stat. 125; 20 U.S.C. 5801 et seq.]. Any school board that chooses to participate and directly or indirectly receives federal funds for its participation shall expend such funds in the manner it determines best meets the goal of educational enhancement in the school district. The superintendent of public instruction may not impose any financial penalty or other sanction on a school or school district if the school board chooses, at any time, to terminate participation in goals 2000."

Page 3, line 25, replace "\$853,600" with "\$935,521"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - PUBLIC INSTRUCTION

HOUSE - This amendment reduces salaries and wages for three FTE positions, adds operating expenses for additional federal funds anticipated to be available, adds a special line item for Goals 2000, and increases other grants for additional federal funds anticipated to be available.

This amendment removes funding for the Educational Telecommunications Council, the Center for Innovation in Instruction, the SENDIT computer network, Prairie Public Broadcasting, and the Myrdal fund for excellence. Funding for these programs was included in House Bill No. 1034.

This amendment eliminates the \$20 million line item for equity payments and increases the grants - foundation aid and transportation line item by \$18.9 million. This amendment also increases the grants - revenue supplement payments line item by \$875,000. House Bill No. 1393, as amended by House Appropriations, provides per student payments of \$1,959 and \$2,061, mill deducts of 33 mills and 34 mills, and a formula for distribution of \$3.1 million of

revenue supplement payments. These payments correspond to the funding level provided in this bill.

This amendment adds legislative intent relating to the distribution of special education funds and provides that school district participation in the Goals 2000 program is voluntary.

	REMOVE FUNDING FOR EDUCATIONAL TELECOMMUNICATIONS AND OTHER PROGRAMS	INCREASE FUNDING FOR FOUNDATION AID AND SUPPLEMENTAL PAYMENTS TO REFLECT PAYMENT LEVELS PROVIDED IN HB 1393	REMOVES UNSPECIFIED POSITIONS	INCREASES OPERATING FOR ADDITIONAL FEDERAL FUNDS	INCREASES OTHER GRANTS FOR ADDITIONAL FEDERAL FUNDS	CREATES SEPARATE LINE ITEM FOR GOALS 2000	TOTAL CHANGES	HOUSE VERSION
Salaries and wages								
Operating expenses								
Equipment								
Grants - foundation aid and transportation								
Grants - revenue supplement payments								
Grants - tuition apportionment								
Grants - special education								
Grants - Goals 2000								
Grants - other grants								
Geographic education center for innovation and instruction								
SENDII Network								
Prairie Public Broadcasting								
Equity funding								
Myrdal fund for excellence								
Total	\$707,501,618	\$ (266,314)	\$ (125,000)	\$190,000	\$2,414,652	\$ 0	\$ (2,250,163)	\$705,251,455
General fund	\$522,872,067	\$ (266,314)	\$ (125,000)	\$190,000	\$2,414,652		\$ (4,658,815)	\$518,213,252
Other funds	<u>184,629,551</u>	<u>(196,000)</u>	<u>(196,000)</u>	<u>(196,000)</u>	<u>(196,000)</u>		<u>2,408,652</u>	<u>187,038,203</u>
Total	\$707,501,618	\$ (266,314)	\$ (125,000)	\$190,000	\$2,414,652	\$ 0	\$ (2,250,163)	\$705,251,455
FTE	137.45		(3.0)				(3.0)	134.5
Per student payments								
First year	\$1,899	\$ 60					\$ 60	\$1,959
Second year	\$1,935	\$126					\$126	\$2,061

DEPARTMENT 250 - STATE LIBRARY

HOUSE - This amendment removes a vacant librarian III position and related salaries and wages. The portion of salaries and wages from federal funds is added to operating expenses and an equal amount of general fund authority is removed from the operating expenses line item. The grants line item is increased by \$81,921 for state aid to public libraries. This amendment makes the following line item changes:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITION	INCREASE FEDERAL FUNDS AUTHORITY FOR OPERATING	DECREASE GENERAL FUND AUTHORITY FOR OPERATING	INCREASE STATE AID TO PUBLIC LIBRARIES	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$1,958,201	\$(81,921)	\$77,789	\$(77,789)		\$(81,921)	\$1,876,280
Operating expenses	1,050,550						1,050,550
Equipment	22,500						22,500
Grants	<u>1,178,600</u>				<u>\$81,921</u>	<u>81,921</u>	<u>1,260,521</u>
Total	\$4,209,851	\$(81,921)	\$77,789	\$(77,789)	\$81,921	\$ 0	\$4,209,851
General fund	\$2,936,210	\$(4,132)		\$(77,789)	\$81,921		\$2,936,210
Other funds	<u>1,273,641</u>	<u>(77,789)</u>	<u>\$77,789</u>				<u>1,273,641</u>
Total	\$4,209,851	\$(81,921)	\$77,789	\$(77,789)	\$81,921	\$ 0	\$4,209,851
FTE	29.00	(1.00)				(1.00)	28.00

DEPARTMENT 252 - SCHOOL FOR THE DEAF

This amendment reduces other funds authority and increases general fund authority to reflect an anticipated reduction in the amount of out-of-state tuition included in the executive recommendation, as follows:

	1997-99 EXECUTIVE RECOMMENDATION	FUNDING SOURCE CHANGE	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$4,064,385			\$4,064,385
Operating expenses	930,822			930,822
Equipment	100,000			100,000
Capital improvements	<u>25,000</u>			<u>25,000</u>
Total	\$5,120,207	\$ 0	\$ 0	\$5,120,207
General fund	\$4,528,329	\$60,000	\$60,000	\$4,588,329
Other funds	<u>591,878</u>	<u>(60,000)</u>	<u>(60,000)</u>	<u>531,878</u>
Total	\$5,120,207	\$ 0	\$ 0	\$5,120,207

DEPARTMENT 253 - SCHOOL FOR THE BLIND

HOUSE - This amendment adds general fund appropriation authority for salaries and wages to reflect the correct amount for the executive recommendation compensation package for the School for the Blind. The executive recommendation for salaries and wages did not include the entire compensation adjustment necessary to provide three percent increases each year of the 1997-99 biennium.

	1997-99 EXECUTIVE RECOMMENDATION	ADD COMPENSATION ADJUSTMENT	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$2,142,178	\$35,678	\$35,678	\$2,177,856
Operating expenses	663,429			663,429
Equipment	81,900			81,900
Capital improvements	<u>394,075</u>			<u>394,075</u>
Total	\$3,281,582	\$35,678	\$35,678	\$3,317,260
General fund	\$2,324,515	\$35,678	\$35,678	\$2,360,193
Other funds	<u>957,067</u>			<u>957,067</u>
Total	\$3,281,582	\$35,678	\$35,678	\$3,317,260

REPORT OF STANDING COMMITTEE

HB 1012: Appropriations Committee (Rep. Dalrymple, Chairman) A **MAJORITY** of your committee (Reps. Dalrymple, Hausauer, Wald, Kunkel, Gerntholz, Byerly, Wentz, Svedjan, Bernstein, Boehm, Carlisle, Delzer, Freier, Lloyd, Martinson, Soukup, Tollefson) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after the second semicolon insert "to create and enact section 50-06-14.4 and a new subsection to section 50-06-05.4 of the North Dakota Century Code, relating to projects involving services for the alzheimer's and related dementia population and human service council duties; to provide an exemption from sections 54-14-03.1 and 54-44.1-11 and to authorize the sale of certain buildings on the grounds of the state hospital to the department of corrections and rehabilitation;"

Page 1, line 3, remove the first "and", replace "section" with "sections 50-06-05.5," after "50-06-14.3" insert ", and 50-24.1-02.2", after "Code" insert "to amend and reenact a new section to chapter 23-16 to the North Dakota Century Code as created by section 3 of chapter 254 of the 1995 Session Laws," and after the second "the" insert "human service center directors,"

Page 1, line 4, after "program" insert ", a moratorium on long-term care bed capacity, and community resource allowance; to repeal section 25-04-20 of the North Dakota Century Code, relating to the westwood park assets management committee; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "8,851,202" with "8,670,509"

Page 1, line 15, replace "16,308,781" with "6,831,453"

Page 1, line 16, replace "190,925" with "25,564"

Page 1, line 19, replace "line items" with "all funds" and replace "27,907,341" with "18,083,959"

Page 1, line 20, replace "15,762,387" with "12,162,731"

Page 1, line 21, replace "12,144,954" with "5,921,228"

Page 2, line 1, replace "8,922,158" with "8,841,828"

Page 2, line 2, replace "34,771,730" with "18,141,716"

Page 2, line 3, replace "151,203" with "1,000"

Page 2, after line 4, insert:

"Welfare reform contingency	500,000
Grants - developmental disabilities direct staff supplement	4,300,000"

Page 2, line 5, replace "201,094,966" with "187,940,292"

Page 2, line 6, replace "615,640,315" with "606,723,360"

Page 2, line 7, replace "line items" with "all funds" and replace "860,582,915" with "826,450,739"

Page 2, line 8, replace "664,699,964" with "636,150,543"

Page 2, line 9, replace "195,882,951" with "190,300,196"

Page 2, line 12, replace "9,501,779" with "9,350,702"

Page 2, line 13, replace "13,498,064" with "10,987,311"

Page 2, line 14, replace "1,034,393" with "129,065"

Page 2, line 16, replace "99,078,622" with "100,266,694"

Page 2, line 17, replace "line items" with "all funds" and replace "123,114,477" with "120,735,391"

Page 2, line 18, replace "86,586,644" with "85,402,836"

Page 2, line 19, replace "36,527,833" with "35,332,555"

Page 2, replace lines 21 through 31 with:

"NORTHWEST HUMAN SERVICE CENTER	
Total all funds	\$ 7,486,057
Less estimated income	<u>3,741,452</u>
Total general fund appropriation	\$ 3,744,605
NORTH CENTRAL HUMAN SERVICE CENTER	
Total all funds	\$12,252,822
Less estimated income	<u>6,494,751</u>
Total general fund appropriation	\$ 5,758,071
LAKE REGION HUMAN SERVICE CENTER	
Total all funds	\$ 7,012,831
Less estimated income	<u>3,193,069</u>
Total general fund appropriation	\$ 3,819,762
NORTHEAST HUMAN SERVICE CENTER	
Total all funds	\$15,378,846
Less estimated income	<u>8,365,365</u>

Total general fund appropriation	\$ 7,013,481
SOUTHEAST HUMAN SERVICE CENTER	
Total all funds	\$16,404,559
Less estimated income	<u>9,781,486</u>
Total general fund appropriation	\$ 6,623,073
SOUTH CENTRAL HUMAN SERVICE CENTER	
Total all funds	\$ 9,022,191
Less estimated income	<u>4,338,947</u>
Total general fund appropriation	\$ 4,683,244
WEST CENTRAL HUMAN SERVICE CENTER	
Total all funds	\$14,479,280
Less estimated income	<u>7,895,864</u>
Total general fund appropriation	\$ 6,583,416
BADLANDS HUMAN SERVICE CENTER	
Total all funds	\$ 7,959,369
Less estimated income	<u>3,821,558</u>
Total general fund appropriation	\$ 4,137,811
STATE HOSPITAL	
Operations	\$52,338,902
Capital improvements	<u>1,901,400</u>
Total all funds	\$54,240,302
Less estimated income	<u>18,566,061</u>
Total general fund appropriation	\$35,674,241
DEVELOPMENTAL CENTER	
Operations	\$38,824,692
Capital improvements	<u>262,000</u>
Total all funds	\$39,086,692
Less estimated income	<u>30,132,445</u>
Total general fund appropriation	\$ 8,954,247
FIELD SERVICES	
Supplemental fund for mental health services	\$ 1,143,279
Supplemental fund for developmental disabilities services	<u>181,609</u>
Total general fund appropriation	\$ 1,324,888"

Page 3, remove lines 1 through 15

Page 3, line 16, replace "193,135,582" with "184,647,837"

Page 3, line 17, replace "95,171,654" with "96,330,998"

Page 3, line 18, replace "97,963,928" with "88,316,839"

Page 3, after line 18, insert:

"Subdivision 5.

COMPUTER TECHNOLOGY APPROPRIATION

Total all funds	\$32,263,866
Less estimated income	<u>19,263,866</u>
Total general fund appropriation	\$13,000,000"

Page 3, line 19, replace "342,519,666" with "332,870,818"

Page 3, line 20, replace "862,220,649" with "849,310,974"

Page 3, line 21, replace "1,204,740,315" with "1,182,181,792"

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

Page 4, after line 15, insert:

"SECTION 6. SUPPLEMENTAL FUND FOR MENTAL HEALTH SERVICES.

The funds appropriated in the supplemental fund for the mental health services line item in section 1 of this Act may be allocated by the department of human services, subject

to budget section approval, to the human services centers and state hospital to address costs associated with deinstitutionalization, caseload increases, patient stays, or other unanticipated costs associated with serving persons with a mental illness, for the biennium beginning July 1, 1997, and ending June 30, 1999. The department of human services shall inform the budget section of requests for funding that the department does not recommend to the budget section for approval.

SECTION 7. SUPPLEMENTAL FUND FOR DEVELOPMENTAL DISABILITIES SERVICES. The funds appropriated in the supplemental fund for developmental disabilities services line item in section 1 of this Act may be allocated by the department of human services, subject to budget section approval, to the human service centers and developmental center to address costs associated with deinstitutionalization, caseload increases, patient stays, or other unanticipated costs associated with serving persons with a developmental disability, for the biennium beginning July 1, 1997, and ending June 30, 1999. The department of human services shall inform the budget section of requests for funding that the department does not recommend to the budget section for approval.

SECTION 8. LEGISLATIVE INTENT - HUMAN SERVICE CENTER SERVICES. It is the intent of the legislative assembly that while the legislative assembly is allowing the human service centers more funding flexibility during the 1997-99 biennium, the human service centers are expected to:

1. Continue to utilize standards, guidelines, and practices in effect on March 1, 1997, for providing human services pursuant to provisions of subsection 2 of section 50-06-05.3.
2. Continue to strive toward improving the quality of services and monitor and strive to achieve successful client outcomes.
3. Maximize available federal or other funds to provide essential services and for service enhancements.
4. Provide appropriate community services to continue the trend of fewer state hospital and developmental center admissions in order to serve clients, to the extent possible, in a least restrictive environment.
5. Utilize innovative and effective methods of service delivery in order to achieve cost savings to reallocate for performance incentives and to enhance the level of services provided to clients.

SECTION 9. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT EMPLOYEES - EMERGENCY COMMISSION APPROVAL. It is the intent of the legislative assembly that the emergency commission approve requests submitted by a human service center, the state hospital, or the developmental center for authorization to hire additional full-time equivalent positions that are associated with an approved request for funding from the supplemental fund for mental health services or the supplemental fund for developmental disabilities services during the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 10. HUMAN SERVICE CENTER SERVICE COSTS - REIMBURSEMENT SYSTEM. Each regional human service center shall report its services provided during the biennium beginning July 1, 1997, and ending June 30, 1999, on a cost per service basis in a form designated by the executive director of the department of human services. The department shall analyze the data collected and develop, for the 1999-2001 biennium, a standardized reimbursement system for the human service centers based on service costs and any supplemental payment costs to be incorporated into the department's 1999-2001 biennium budget request.

SECTION 11. EXEMPTION - EMPLOYEE BONUSES. Notwithstanding section 54-14-03.1, the regional human service centers, state hospital, and developmental center may provide bonus payments to their employees during August 1999, of up to three percent of an employee's base salary from any realized savings resulting from program efficiencies accumulated during the 1997-99 biennium, excluding any supplemental funds for mental health or developmental disabilities services received. A bonus payment may not increase an employee's salary level for which funding request calculations for the 1999-2001 biennium will be based.

SECTION 12. EXEMPTION - BUDGET SECTION APPROVAL AND REPORT. The general fund appropriations contained in subdivision 4 of section 1 and the welfare

reform contingency line item in subdivision 2 of this Act are not subject to the provisions of section 54-44.1-11. The welfare reform contingency may only be spent with prior budget section approval. Any unexpended funds from these appropriations are available during the biennium beginning July 1, 1999, and ending June 30, 2001. The department of human services shall report to the budget section of the legislative council on the status of these appropriations at its fall 1999 meeting.

SECTION 13. A new subsection to section 50-06-05.4 of the North Dakota Century Code is created and enacted as follows:

To set the salary of the center director and approve the employee compensation plan. The department of human services shall develop procedures that provide for a transition to regional center governing boards to be established on July 1, 1998.

SECTION 14. AMENDMENT. Section 50-06-05.5 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.5. Director of regional center - Medical director. Each regional human service center must be headed by a regional director appointed by the executive director of the department in consultation with the regional human service council. The regional director ~~must be accountable to~~ position is not a classified position and the director must serve at the pleasure of the executive director. Each regional director shall have the authority to employ the staff necessary to discharge the center's responsibilities. The regional director shall also have authority, subject to the approval of the executive director of the department and within the limit of legislative appropriations, to make contractual arrangements with public or private agencies or with individuals and organizations to discharge the regional human service center's service delivery responsibilities. The staff of each regional human service center shall include a qualified medical professional who must be designated as the medical director of the center. The medical director must be primarily responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the regional director, with the concurrence of the executive director. At the discretion of the executive director, the regional director of a center, if qualified therefor, could also be appointed medical director of that center. As used in this section, "qualified medical professional" means an individual possessing a degree of doctor of psychiatry, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree."

Page 4, after line 29, insert:

"SECTION 16. Section 50-06-14.4 of the North Dakota Century Code is created and enacted as follows:

50-06-14.4. Alzheimer's and related dementia projects. The department of human services shall establish projects containing up to ten beds designed to meet the service needs of the alzheimer's and related dementia population. The projects established under this section must explore the financial and service viability of converting existing nursing facility or basic care capacity to a specific service environment that targets the alzheimer's and related dementia population. The state department of health shall cooperate with the department to ensure the success of the projects. The projects may be established notwithstanding subsections 2, 5, 10, and 11 and subdivision c of subsection 9 of section 50-24.5-01, relating to definitions for aid to aged, blind, and disabled persons, and subsection 1 of section 23-09.3-01, relating to the definition of a basic care facility.

SECTION 17. AMENDMENT. Section 50-24.1-02.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-24.1-02.2. Community spouse resource allowance. In determining eligibility for medical assistance applicants and recipients, the department of human services shall establish a community spouse resource allowance equal to the maximum community spouse resource allowance as provided by 42 U.S.C. 1396r-5(f)(2). This section applies to a community spouse of an institutionalized spouse. For purposes of this section, "institutionalized spouse" includes an individual who is described in 42 U.S.C. 1396a(a)(10)(A)(ii)(VI).

SECTION 18. AMENDMENT. The new section to chapter 23-16 of the North Dakota Century Code as created by section 3 of chapter 254 of the 1995 Session Laws is amended and reenacted as follows:

Moratorium on expansion of long-term care bed capacity. Notwithstanding sections 23-16-06 and 23-16-10, ~~during the period after July 31, 1995, and before August 1, 1997~~ except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4, the state department of health and consolidated laboratories may not issue a license for any additional bed capacity unless the expanded bed capacity was approved by the health council under chapter 23-17.2 before August 1, 1995 above the state's gross capacity of seven thousand one hundred twenty-four beds during the period between August 1, 1997, and July 31, 1999.

SECTION 19. TRANSFER OF LAND AUTHORIZED.

1. The department of human services may sell to the department of corrections and rehabilitation the forensic unit building, the ET building and adjacent gymnasium, and surrounding real property.
2. The authorized sale is exempt from sections 54-01-05.2 and 54-01-05.5.

SECTION 20. EXEMPTION FROM BIDDING REQUIREMENTS.

Notwithstanding any other provision of law relating to public contracts or bidding requirements, the department of human services may contract and expend funds for the renovation of the state hospital to accommodate patients as a result of any sale of the property described in section 16 of this Act.

SECTION 21. COMPUTER OPERATING AND DEVELOPMENT COSTS - BUDGET SECTION REPORTING. The department of human services shall allocate to the various divisions the appropriation contained in subdivision 5 of section 1 of this Act for computer operating and development costs subject to budget section approval. The department, as it develops the reforming and enhancing services for the people of North Dakota (RESPOND) computer system, shall periodically report to the budget section of the legislative council during the 1997-99 biennium on the status of the development of the system, system costs and benefits, and the receipt of the matching federal funds. The department may not spend general fund appropriations made by the fifty-fifth legislative assembly for the RESPOND computer system unless approval for the matching federal funds in the amounts estimated during the fifty-fifth legislative assembly has been received from the appropriate federal agency.

Except as may be waived by approval of the budget section of the legislative council, the department of human services shall meet the requirements provided by the administration for children and families of the United States department of health and human services in its communication dated February 12, 1997, related to the state's development of the reforming and enhancing services for the people of North Dakota (RESPOND) and training, education, employment, and management (TEEM) project. The requirements include information regarding client eligibility and expert system rules, cost benefit analysis for the TEEM and RESPOND projects, and a revised budget for the TEEM and RESPOND projects.

SECTION 22. LEGISLATIVE INTENT - COMPUTER DEVELOPMENT. It is the intent of the legislative assembly that the department of human services not enter into contracts for computer development that require the expenditure of funds in future bienniums without the prior approval of the legislative assembly. It is also the intent of the legislative assembly that the department of human services not make interest payments on computer development contracts in the amount of \$632,450 during the 1997-99 biennium that were not authorized by the legislative assembly.

SECTION 23. LEGISLATIVE INTENT - CASE MANAGEMENT - PILOT PROJECTS. It is the intent of the legislative assembly that the department of human services establish pilot projects for expanded long-term care case management to assist functionally impaired adults in accessing necessary services to maintain the appropriate level of independence in the least restrictive setting at the lowest possible cost and that these pilot projects be financed within available department resources.

SECTION 24. LEGISLATIVE INTENT - TRANSITIONAL SERVICES - DEVELOPMENTALLY DISABLED STUDENTS. It is the intent of the legislative assembly that the disability services division of the department of human services, the office of special education of the department of public instruction, and local special

education units explore opportunities for collaboration and shared funding in the provision of transition services to developmentally disabled students between the ages of eighteen and twenty-one.

SECTION 25. LEGISLATIVE INTENT - WAGE INCREASES FOR LOW-INCOME DIRECT CONTACT STAFF OF COMMUNITY DEVELOPMENTAL DISABILITIES PROVIDER AGENCIES. In addition to any wage increases for direct contact staff financed out of the annual inflationary adjustments contained in subdivision 2 of section 1 of this Act, it is the intent of the legislative assembly that community developmental disabilities provider agencies attempt to mitigate staff turnover during the 1997-99 biennium by augmenting the wages of low-income direct contact staff with \$4,300,000 appropriated within subdivision 2 of section 1 of this Act and allocated by the department of human services for such purpose. Each provider agency shall inform the department of human services of the hourly wages it pays to each direct contact staff before and after applying the augmenting funds. The department shall compile and report that information to the budget section. "Low-income direct contact staff" means, for purposes of the department's ratesetting process, positions with departmentally approved hourly wage funding, in effect on July 1, 1996, for residential services, in each residence, of \$8.71 for the first full-time equivalent, \$7.66 for the second full-time equivalent, and \$6.26 for any remaining full-time equivalents except standby staff; and for day service staff, individualized supported living arrangement staff, and family support services staff, \$6.73 for each full-time equivalent.

SECTION 26. LEGISLATIVE INTENT - WAGE INCREASES FOR CERTIFIED NURSE AIDE STAFF - NURSING HOME. It is the intent of the legislative assembly that annual inflationary adjustments contained in subdivision 2 of this Act for nursing home reimbursement be used by nursing homes to emphasize reducing certified nurse aide staff turnover by adjusting staff wages.

SECTION 27. REPEAL. Section 25-04-20 of the North Dakota Century Code is repealed.

SECTION 28. EFFECTIVE DATE. Section 13 is effective on July 1, 1998.

SECTION 29. EMERGENCY. The appropriation contained in subdivision 4 of section 1 of this Act for the state hospital includes \$1,295,000 of other funds for remodeling of state hospital buildings to accommodate the relocation of patients from buildings to be sold to the department of corrections and rehabilitation, which is declared to be an emergency measure and those funds are available immediately upon filing of this Act with the secretary of state. Sections 16, 19, and 20 are declared to be emergency measures and effective upon filing of this Act with the secretary of state."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - The attached schedule details the House changes to House Bill No. 1012.

SUBDIVISION 1 - MANAGEMENT AND COUNCILS	1997-99 EXECUTIVE BUDGET	REMOVE VACANT FTE FIELD SERVICES	REMOVE CENTRALIZED CHECKWRITING FOR IV-D PAYMENTS	REMOVE FUNDING FOR TECHNOLOGY	DELETE VACANT FTE AUTHORIZATION	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS
Salaries and wages	\$ 8,851,202	\$(158,487)	\$ (22,206)	\$ (9,244,814)	()	\$ (180,693)	\$ 8,670,509
Operating expenses	16,308,781	()	(232,514)	(165,361)	()	(9,477,328)	6,831,453
Equipment	190,925	()	()	()	()	()	25,564
Grants	715,477	()	()	()	()	()	715,477
Developmental disabilities loan fund	<u>1,840,956</u>	()	()	()	()	()	<u>1,840,956</u>
Total all funds	\$27,907,341	\$(158,487)	\$(254,720)	\$ (9,410,175)	()	\$ (9,823,382)	\$18,083,959
Less estimated income	<u>15,782,387</u>	<u>(138,487)</u>	<u>(81,106)</u>	<u>(3,360,063)</u>	()	<u>(3,539,656)</u>	<u>12,162,731</u>
Total general fund appropriation	\$12,144,954	\$ 0	\$ (173,614)	\$ (6,050,112)	()	\$ (6,223,726)	\$ 5,921,228
FTE	105.80	(1)	(0.50)	()	(1.0)	(2.50)	103.30

SUBDIVISION 2 - ECONOMIC ASSISTANCE	1997-99 EXECUTIVE BUDGET	ADJUST ITEM OPERATIONS	REMOVE ITEM EVALUATION	REMOVE FUNDING FOR TECHNOLOGY	NEW LINE ITEMS AND GRANT CHANGES ¹	OTHER CHANGES	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS
Salaries and wages	\$ 8,922,158							\$ 8,841,828
Operating expenses	34,771,730	\$ (50,000)	\$ (200,000)	\$ (15,646,584)				18,141,716
Equipment	151,203			(150,203)				1,000
Capital improvements	2,543							2,543
Welfare reform contingency								
Grants - Developmental disabilities direct staff supplement					\$ 500,000		500,000	500,000
Grants - Assistance payments	201,094,966				4,300,000		4,300,000	4,300,000
Grants - Medical assistance	615,640,315				(13,154,674)		(13,154,674)	187,940,292
	<u>664,699,964</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>(8,916,955)</u>	<u>-----</u>	<u>(8,916,955)</u>	<u>606,723,360</u>
Total all funds	\$860,582,915	\$ (50,000)	\$ (200,000)	\$ (15,796,787)	\$ (17,271,629)		\$ (34,132,176)	\$826,450,739
Less estimated income	<u>664,699,964</u>	<u>-----</u>	<u>(36,800)</u>	<u>(13,015,943)</u>	<u>(14,707,947)</u>		<u>(28,549,421)</u>	<u>636,150,543</u>
Total general fund appropriation	\$195,882,951	\$ (50,000)	\$ (163,200)	\$ (2,780,844)	\$ (2,563,682)		\$ (5,582,755)	\$190,300,196
FTE	114.80					(1)	(1)	113.80

1 Grant changes

	GENERAL FUND	OTHER FUNDS	TOTAL
Welfare reform contingency line item	\$ 500,000		\$ 500,000
Grants - Developmental disabilities direct staff supplement	\$ 1,463,374	\$ 2,836,626	\$ 4,300,000
Grants - Assistance payments			
Projections (2/14/97)/adjust to 2.2% inflation for AFDC, basic care, child care and JOBS, and Indian county allocations increase	\$ 871,315	\$ (937,770)	\$ (66,455)
Remove funding for AFDC-UP	(558,150)	(106,871)	(665,021)
Food stamp reprojected	(111,032,498)	500,000	(11,032,498)
Use remaining TANF funds available	(500,000)		
Remove increased funding for Indian county allocations, with the expectation if the reservations do not administer a TANF program	(619,000)		(619,000)
a deficiency request may be made			
Remove one-half of the AFDC caseload increase	(764,347)	(7,353)	(771,700)
Total	\$ (1,570,182)	\$ (11,584,492)	\$ (13,154,674)

Grants - Medical assistance

Reduce developmental disability grants for 97.5% occupancy	\$ (454,836)	\$ (1,106,550)	\$ (1,561,386)
Projections (2/14/97)/adjust to 2.2% inflation, nursing homes at 3.3% inflation, for medical assistance and developmental disability community-based care	(2,773,601)	(5,635,764)	(8,409,365)
Provide 3.8% inflation for nursing homes (HB 1040)	271,563	782,233	1,053,796
Total	\$ (2,956,874)	\$ (5,960,081)	\$ (8,916,955)

Grand total

	\$ (2,563,682)	\$ (14,707,947)	\$ (17,271,629)
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2 Remove one new FTE supervisory position for child support enforcement (\$80,330, \$27,312 from the general fund).

3 Other changes - Child support adjustments - Reduce inflator by 1.1 percent (\$189,867, \$32,277 from the general fund) (OARs 259-266), reduce fraud units (\$265,101, \$98,463 from the general fund) (OAR 293), and remove new fraud unit (\$82,000, \$30,455 from the general fund OAR 292). Targeted case management - Change funding of \$181,266 from children's trust fund to general fund. Adjust contract costs with Citibank to reflect lower food stamp caseload (\$296,462, \$17,788 from the general fund).

SUBDIVISION 3 - PROGRAM AND POLICY	1997-99 EXECUTIVE BUDGET	REMOVE DIRECTOR OF PROGRAM AND POLICY POSITION	GRANT CHANGES ¹	REMOVE FUNDING FOR TECHNOLOGY	OTHER CHANGES ²	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS
Salaries and wages	\$ 9,501,779	\$(151,077)				\$ (151,077)	\$ 9,350,702
Operating expenses	13,498,064	(26,459)		\$(2,546,294)	\$62,000	(2,510,753)	10,987,311
Equipment	1,034,393			(905,328)		(905,328)	129,065
Capital improvements	1,619						1,619
Grants	<u>99,078,622</u>		<u>\$1,188,072</u>			<u>1,188,072</u>	<u>100,266,694</u>
Total all funds	\$123,114,477	\$(177,536)	\$1,188,072	\$(3,451,622)	\$62,000	\$(2,379,086)	\$120,735,391
Less estimated income	<u>86,586,644</u>	<u>(61,903)</u>	<u>908,005</u>	<u>(2,063,740)</u>	<u>33,830</u>	<u>(1,183,808)</u>	<u>85,402,836</u>
Total general fund appropriation	\$ 36,527,833	\$(115,633)	\$ 280,067	\$(1,387,882)	\$28,1704	\$(1,195,278)	\$ 35,332,555
FTE	117.15	(1.00)				(3.50) ³	113.65
¹ Grant changes							
	GENERAL FUND		OTHER FUNDS	TOTAL			
Increase senior mill levy moneys to \$1,000,000	\$ 100,000			\$ 100,000			
Caseload reprojections (2/14/97)/adjust to 2.2% inflation for foster care, SPED, and expanded SPED	686,192		1,034,457	1,720,649			
Reduce SPED grants to reflect medical allowance deduction changes (\$300/\$700 to \$250/\$600 - single/family)	(27,596)		(1,452)	(29,048)			
Reduce child abuse standard (OAR 339)	(300,000)			(300,000)			
Reduce sheltered care services (OAR 349)	(25,000)			(25,000)			
Reduce county reimbursement for high risk daycare (OAR 347)	(28,529)			(28,529)			
Reduce Vocational Rehabilitation grants to avoid future maintenance of effort requirements (OAR 323)	<u>(125,000)</u>		<u>(125,000)</u>	<u>(250,000)</u>			
Total	\$ 280,067		\$ 908,005	\$1,188,072			

² Other changes

Provide \$62,000 from the general fund for vocational rehabilitation training of visually impaired seniors.

³ An additional 2.5 vacant FTE are removed.

⁴ A general fund reduction/other funds increase of \$33,830 is made for a disability claims analyst position funding change.

SUBDIVISION 4	ALL FUNDS CHANGES				TOTAL CHANGES	HOUSE VERSION
	EXECUTIVE RECOMMENDATION	REMOVE COMPUTER SYSTEMS FUNDING	FOUR PERCENT REDUCTION	SUPPLEMENTAL FUNDING		
Human service centers						
Northwest	\$ 7,843,299	\$ (197,971)	\$ (159,271)		\$ (357,242)	\$ 7,486,057
North Central	12,933,325	(432,605)	(247,898)		(680,503)	12,252,822
Lake Region	7,366,308	(189,496)	(165,981)		(355,477)	7,010,831
Northeast	15,936,193 ¹	(263,634)	(293,713)		(557,347)	15,378,846
South Central	17,060,957	(372,353)	(284,045)		(656,398)	16,404,559
West Central	9,512,689	(282,909)	(197,589)		(480,498)	9,022,191
Badlands	15,124,615	(369,510)	(275,825)		(645,335)	14,479,280
	7,883,040	(147,133)	(172,536)		(76,322)	7,959,362
Total human service centers	\$ 93,662,426	\$ (2,265,613)	\$ (1,796,858)		\$ (3,062,471)	\$ 89,995,955
State Hospital	\$ 59,828,413	\$ (4,812,504)	\$ (1,524,373)		\$ (5,586,111)	\$ 54,240,302
Developmental Center	39,644,743	(194,832)	(363,219)		(558,051)	39,086,692
Mental Health - Supplemental fund				\$ 1,143,279	1,143,279	1,143,279
Developmental disabilities services - Supplemental fund				181,609	181,609	181,609
Total all funds	\$193,135,582	\$ (7,272,949) ²	\$ (3,684,450) ³	\$ 1,324,8884	\$ (696,085) ⁵	\$ (84,487,745)
Human service centers						
Northwest	\$ 4,034,982	\$ (131,106)	\$ (159,271)		\$ (290,377)	\$ 3,744,605
North Central	6,325,483	(319,514)	(247,898)		(567,412)	5,758,071
Lake Region	4,149,514	(163,771)	(165,981)		(329,752)	3,819,762
Northeast	7,462,3394	(155,145)	(293,713)		(448,858)	7,013,481
South Central	7,101,123	(194,005)	(284,045)		(478,050)	6,623,073
South Central	5,061,637	(180,804)	(197,589)		(378,393)	4,683,244
West Central	7,138,732	(279,491)	(275,825)		(555,316)	6,583,416
Badlands	4,429,355	(119,008)	(172,536)		(291,544)	4,137,811
Total human service centers	\$ 45,703,165	\$ (1,542,844)	\$ (1,796,858)		\$ (3,339,702)	\$ 42,363,463
State Hospital	\$ 42,847,213	\$ (4,812,124)	\$ (1,524,373)		\$ (7,148,720)	\$ 35,698,493
Developmental Center	9,413,550	(96,084)	(363,219)		(459,303)	8,954,247
Mental Health - Supplemental fund				\$ 1,143,279	1,143,279	1,143,279
Developmental disabilities services - Supplemental fund				181,609	181,609	181,609
Total general fund	\$ 97,963,928	\$ (6,451,052) ²	\$ (3,684,450) ³	\$ 1,324,8884	\$ (696,085) ⁵	\$ (88,316,839)

¹ The executive recommended general fund amount identified by the Department of Human Services for the Northeast Human Service Center has been reduced by \$42,015 from the general fund to reflect the unallocated reduction identified by the Department of Human Services to equal the executive recommendation. Also to match the executive recommendation, the estimated income amount for the Northeast Human Service Center identified by the department has been increased by \$42,015.

² Funding for information technology, including funding relating to the RESPONSE computer project is being removed from the human service centers, the State Hospital, and the Developmental Center and included as part of a computer technology appropriation in subdivision 5 of the Bill.

³ General fund support for the human service centers, the State Hospital, and the Developmental Center is reduced by four percent of an adjusted general fund total that excludes funding for capital improvements and for the RESPONSE project.

⁴ Provides \$1,143,279 from the general fund for a supplemental fund for mental health services and \$181,609 for a supplemental fund for developmental disabilities services that the department may allocate, subject to Budget Section approval to the human service centers, the State Hospital, and the Developmental Center to address costs associated with deinstitutionalization, caseeload increases, patient stays, or other unanticipated costs associated with serving persons with a mental illness or a developmental disability. The section also requires the Department to inform the Budget Section of requests for funding that the department is not asking the Budget Section to approve. The Department of Human Services should provide information on all requests to members of the Budget Section prior to the meeting date.

⁵ Removes funding relating to the transfer of 8.8 FTE positions (\$596,384) and operating costs (\$101,701) to the Department of Corrections for operating a medium security prison on the State Hospital grounds.

GENERAL FUND CHANGES		TOTAL CHANGES	HOUSE VERSION
REMOVE FUNDING TRANSFERRED TO DEPARTMENT OF CORRECTIONS	\$ (696,085)	\$ (696,085)	\$ (696,085)
ADD UTILITY SALES AND LAND SALE TO DEPARTMENT OF CORRECTIONS	\$ (138,390)	\$ (138,390)	\$ (138,390)
OTHER CHANGES	\$ 0	\$ 0	\$ 0
TOTAL CHANGES	\$ (834,475)	\$ (834,475)	\$ (834,475)

6 Adds funding of \$151,851 for costs associated with the sale of utilities to the Department of Corrections. Estimated income is increased by \$200,441, and general fund support is reduced by \$138,390. Adds \$1,295,000 of estimated income generated from the sale of land to the Department of Corrections for the medium security prison. The funding will be used to remodel facilities to relocate the patients which were housed in the facilities that now will be used to house inmates of the Department of Corrections.

7 Adds other funds to allow the Hadlands Human Service Center to continue a contract with St. Joseph's Hospital in Dickinson for outpatient behavioral health care.

The amendment provides a single line item appropriation, except for capital improvements which are appropriated separately, for each of the human service centers, the State Hospital, and the Developmental Center rather than the object code line items recommended in the executive budget for the State Hospital, the Developmental Center, and in total for all human service centers. This amendment removes 15.5 FTE vacant positions at the human service centers and eight FTE at the State Hospital.

The amendment includes sections that:

- Provide legislative intent regarding the expectations of services the human service centers are to provide during the 1997-99 biennium.
- Provide legislative intent that the Emergency Commission authorize additional FTE positions for the human service centers, State Hospital, or Developmental Center relating to approved mental health or developmental disabilities supplemental funding.
- Require the department to develop a reimbursement system for the 1999-2001 biennium based on service costs at the human service centers.
- Allow the human service centers, the State Hospital, and the Developmental Center to provide employee bonuses in June 1999 of up to three percent of an employee's salary from program efficiencies accumulated during the 1997-99 biennium.
- Exempt the human service centers, State Hospital, and Developmental Center general fund appropriations from the provision that cancels appropriations at the end of each biennium.
- Regional human service center director positions are unclassified positions and that they serve at the pleasure of the executive director of the Department of Human Services.
- Provide that the \$1,295,000 received by the State Hospital for the sale of land and buildings to the Department of Corrections and appropriated to the State Hospital is an emergency measure.

A new subdivision 5 is added appropriating \$32,263,866 for computer technology, of which \$13,000,000 is from the general fund. Total reductions of \$35,936,533, \$16,672,667 from the general fund, were removed from the individual subdivisions 1 through 4.

New sections are added to House Bill No. 1012 regarding:

- Receipt by the State Hospital of \$1,295,000 for the sale of land and buildings to the Department of Corrections and Rehabilitation, authorizing the sale of the property and appropriating the proceeds as an emergency measure.
- The Department of Human Services meeting the requirements of correspondence dated February 12, 1997, except as waived by the Budget Section, and providing the department may not spend the related general fund appropriations until the requirements are met.
- The Department of Human Services reporting to the Budget Section regarding the status of the RESPOND computer system including system costs and benefits and the receipt of federal funds.
- Providing for a moratorium on nursing home beds above 7,124 and allowing for 10 Alzheimer's beds as a pilot project.
- Authorizing the Department of Human Services to have pilot projects for long-term care case management within available resources.
- Legislative intent regarding collaboration and shared funding in the provision of services to developmentally disabled students transitioning from school to other programs.
- Legislative intent relating to increasing wages for developmentally disabled direct contact staff.
- Allowing the community spouse resource allowance to apply to persons on home and community-based services (North Dakota Century Code Section 54-24.1-02.2).
- Legislative intent regarding case management pilot projects and regarding wage increases for developmentally disabled direct contact staff, and nursing home certified nurses aides.
- Repealing Section 25-04-20 regarding the Westwood Park Assets Management Committee.

	GENERAL FUND	OTHER FUNDS	TOTAL
Total Department of Human Services changes this amendment	\$(9,648,848)	\$(12,909,675)	\$(22,558,523)

REPORT OF STANDING COMMITTEE

HB 1012: Appropriations Committee (Rep. Dalrymple, Chairman) A **MINORITY** of your committee (Reps. Aarsvold, Huether, Nichols, Oban, Wilkie) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after the second semicolon insert "to create and enact a new subsection to section 50-06-05.4 and section 50-06-14.4 of the North Dakota Century Code, relating to the human service council duties and to projects involving services for the alzheimer's and related dementia population; to provide an exemption from sections 54-14-03.1 and 54-44.1-11 and to authorize the sale of certain buildings on the grounds of the state hospital to the department of corrections and rehabilitation;"

Page 1, line 3, remove the first "and", replace "section" with "sections 50-06-05.5," after "50-06-14.3" insert ", and 50-24.1-02.2", after "Code" insert "and to amend and reenact the new section to chapter 23-09.3 as created by section 2 of chapter 254 of the 1995 Session Laws and the new section to chapter 23-16 to the North Dakota Century Code as created by section 3 of chapter 254 of the 1995 Session Laws" and after the second "the" insert "human service center directors,"

Page 1, line 4, after "program" insert ", a moratorium on long-term care bed capacity, and community resource allowance; to repeal section 25-04-20 of the North Dakota Century Code, relating to the westwood park assets management committee; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "8,851,202" with "8,670,509"

Page 1, line 15, replace "16,308,781" with "6,831,453"

Page 1, line 16, replace "190,925" with "25,564"

Page 1, line 19, replace "line items" with "all funds" and replace "27,907,341" with "18,083,959"

Page 1, line 20, replace "15,762,387" with "12,162,731"

Page 1, line 21, replace "12,144,954" with "5,921,228"

Page 2, line 1, replace "8,922,158" with "8,841,828"

Page 2, line 2, replace "34,771,730" with "18,141,716"

Page 2, line 3, replace "151,203" with "1,000"

Page 2, after line 4, insert:

"Welfare reform contingency	500,000
Grants - developmental disabilities direct staff supplement	4,300,000"

Page 2, line 5, replace "201,094,966" with "187,940,292"

Page 2, line 6, replace "615,640,315" with "606,723,360"

Page 2, line 7, replace "line items" with "all funds" and replace "860,582,915" with "826,450,739"

Page 2, line 8, replace "664,699,964" with "636,150,543"

Page 2, line 9, replace "195,882,951" with "190,300,196"

Page 2, line 12, replace "9,501,779" with "9,350,702"

Page 2, line 13, replace "13,498,064" with "10,987,311"

Page 2, line 14, replace "1,034,393" with "129,065"

Page 2, line 16, replace "99,078,622" with "100,266,694"

Page 2, line 17, replace "line items" with "all funds" and replace "123,114,477" with "120,735,391"

Page 2, line 18, replace "86,586,644" with "85,402,836"

Page 2, line 19, replace "36,527,833" with "35,332,555"

Page 2, replace lines 21 through 31 with:

"NORTHWEST HUMAN SERVICE CENTER		
Total all funds		\$ 7,486,057
Less estimated income		<u>3,741,452</u>
Total general fund appropriation		\$ 3,744,605
NORTH CENTRAL HUMAN SERVICE CENTER		
Total all funds		\$12,252,822
Less estimated income		<u>6,494,751</u>
Total general fund appropriation		\$ 5,758,071
LAKE REGION HUMAN SERVICE CENTER		
Total all funds		\$ 7,012,831
Less estimated income		<u>3,193,069</u>
Total general fund appropriation		\$ 3,819,762
NORTHEAST HUMAN SERVICE CENTER		
Total all funds		\$15,378,846
Less estimated income		<u>8,365,365</u>
Total general fund appropriation		\$ 7,013,481

SOUTHEAST HUMAN SERVICE CENTER	
Total all funds	\$16,404,559
Less estimated income	<u>9,781,486</u>
Total general fund appropriation	\$ 6,623,073
SOUTH CENTRAL HUMAN SERVICE CENTER	
Total all funds	\$ 9,022,191
Less estimated income	<u>4,338,947</u>
Total general fund appropriation	\$ 4,683,244
WEST CENTRAL HUMAN SERVICE CENTER	
Total all funds	\$14,479,280
Less estimated income	<u>7,895,864</u>
Total general fund appropriation	\$ 6,583,416
BADLANDS HUMAN SERVICE CENTER	
Total all funds	\$ 7,959,369
Less estimated income	<u>3,821,558</u>
Total general fund appropriation	\$ 4,137,811
STATE HOSPITAL	
Operations	\$52,338,902
Capital improvements	<u>1,901,400</u>
Total all funds	\$54,240,302
Less estimated income	<u>18,566,061</u>
Total general fund appropriation	\$35,674,241
DEVELOPMENTAL CENTER	
Operations	\$38,824,692
Capital improvements	<u>262,000</u>
Total all funds	\$39,086,692
Less estimated income	<u>30,132,445</u>
Total general fund appropriation	\$ 8,954,247
FIELD SERVICES	
Supplemental fund for mental health services	\$ 1,143,279
Supplemental fund for developmental disabilities services	<u>181,609</u>
Total general fund appropriation	\$ 1,324,888"

Page 3, remove lines 1 through 15

Page 3, line 16, replace "193,135,582" with "184,647,837"

Page 3, line 17, replace "95,171,654" with "96,330,998"

Page 3, line 18, replace "97,963,928" with "88,316,839"

Page 3, after line 18, insert:

"Subdivision 5.

COMPUTER TECHNOLOGY APPROPRIATION	
Total all funds	\$32,263,866
Less estimated income	<u>19,263,866</u>
Total general fund appropriation	\$13,000,000"

Page 3, line 19, replace "342,519,666" with "333,519,193"

Page 3, line 20, replace "862,220,649" with "849,345,099"

Page 3, line 21, replace "1,204,740,315" with "1,182,864,292"

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

Page 4, after line 15, insert:

"SECTION 6. SUPPLEMENTAL FUND FOR MENTAL HEALTH SERVICES.

The funds appropriated in the supplemental fund for the mental health services line item in section 1 of this Act may be allocated by the department of human services, subject to budget section approval, to the human services centers and state hospital to address costs associated with deinstitutionalization, caseload increases, patient stays, or other

unanticipated costs associated with serving persons with a mental illness, for the biennium beginning July 1, 1997, and ending June 30, 1999. The department of human services shall inform the budget section of requests for funding that the department does not recommend to the budget section for approval.

SECTION 7. SUPPLEMENTAL FUND FOR DEVELOPMENTAL DISABILITIES SERVICES. The funds appropriated in the supplemental fund for developmental disabilities services line item in section 1 of this Act may be allocated by the department of human services, subject to budget section approval, to the human service centers and developmental center to address costs associated with deinstitutionalization, caseload increases, patient stays, or other unanticipated costs associated with serving persons with a developmental disability, for the biennium beginning July 1, 1997, and ending June 30, 1999. The department of human services shall inform the budget section of requests for funding that the department does not recommend to the budget section for approval.

SECTION 8. LEGISLATIVE INTENT - HUMAN SERVICE CENTER SERVICES. It is the intent of the legislative assembly that while the legislative assembly is allowing the human service centers more funding flexibility during the 1997-99 biennium, the human service centers are expected to:

1. Continue to utilize standards, guidelines, and practices in effect on March 1, 1997, for providing human services pursuant to subsection 2 of section 50-06-05.3.
2. Continue to strive toward improving the quality of services and monitor and strive to achieve successful client outcomes.
3. Maximize available federal or other funds to provide essential services and for service enhancements.
4. Provide appropriate community services to continue the trend of fewer state hospital and developmental center admissions in order to serve clients, to the extent possible, in a least restrictive environment.
5. Utilize innovative and effective methods of service delivery in order to achieve cost savings to reallocate for performance incentives and to enhance the level of services provided to clients.

SECTION 9. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT EMPLOYEES - EMERGENCY COMMISSION APPROVAL. It is the intent of the legislative assembly that the emergency commission approve requests submitted by a human service center, the state hospital, or the developmental center for authorization to hire additional full-time equivalent positions that are associated with an approved request for funding from the supplemental fund for mental health services or the supplemental fund for developmental disabilities services during the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 10. HUMAN SERVICE CENTER SERVICE COSTS - REIMBURSEMENT SYSTEM. Each regional human service center shall report its services provided during the biennium beginning July 1, 1997, and ending June 30, 1999, on a cost per service basis in a form designated by the executive director of the department of human services. The department shall analyze the data collected and develop, for the 1999-2001 biennium, a standardized reimbursement system for the human service centers based on service costs and any supplemental payment costs to be incorporated into the department's 1999-2001 biennium budget request.

SECTION 11. EXEMPTION - EMPLOYEE BONUSES. Notwithstanding section 54-14-03.1, the regional human service centers, state hospital, and developmental center may provide bonus payments to their employees during August 1999, of up to three percent of an employee's base salary from any realized savings resulting from program efficiencies accumulated during the 1997-99 biennium, excluding any supplemental funds for mental health or developmental disabilities services received. A bonus payment may not increase an employee's salary level for which funding request calculations for the 1999-2001 biennium will be based.

SECTION 12. EXEMPTION - BUDGET SECTION APPROVAL AND REPORT. The general fund appropriations contained in subdivision 4 of section 1 and the welfare reform contingency line item in subdivision 2 of this Act are not subject to section 54-44.1-11. The welfare reform contingency may only be spent with prior budget

section approval. Any unexpended funds from these appropriations are available during the biennium beginning July 1, 1999, and ending June 30, 2001. The department of human services shall report to the budget section of the legislative council on the status of these appropriations at its fall 1999 meeting.

SECTION 13. A new subsection to section 50-06-05.4 of the North Dakota Century Code is created and enacted as follows:

To set the salary of the center director and approve the employee compensation plan. The department of human services shall develop procedures that provide for a transition to regional center governing boards to be established on July 1, 1998.

SECTION 14. AMENDMENT. Section 50-06-05.5 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.5. Director of regional center - Medical director. Each regional human service center must be headed by a regional director appointed by the executive director of the department in consultation with the regional human service council. The regional director ~~must be accountable to~~ position is not a classified position and the director must serve at the pleasure of the executive director. Each regional director shall have the authority to employ the staff necessary to discharge the center's responsibilities. The regional director shall also have authority, subject to the approval of the executive director of the department and within the limit of legislative appropriations, to make contractual arrangements with public or private agencies or with individuals and organizations to discharge the regional human service center's service delivery responsibilities. The staff of each regional human service center shall include a qualified medical professional who must be designated as the medical director of the center. The medical director must be primarily responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the regional director, with the concurrence of the executive director. At the discretion of the executive director, the regional director of a center, if qualified therefor, could also be appointed medical director of that center. As used in this section, "qualified medical professional" means an individual possessing a degree of doctor of psychiatry, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree."

Page 4, after line 29, insert:

"SECTION 16. Section 50-06-14.4 of the North Dakota Century Code is created and enacted as follows:

50-06-14.4. Alzheimer's and related dementia projects. The department of human services shall establish projects containing up to ten beds designed to meet the service needs of the alzheimer's and related dementia population. The projects established under this section must explore the financial and service viability of converting existing nursing facility or basic care capacity to a specific service environment that targets the alzheimer's and related dementia population. The state department of health shall cooperate with the department to ensure the success of the projects. The projects may be established notwithstanding subsections 2, 5, 10, and 11 and subdivision c of subsection 9 of section 50-24.5-01, relating to definitions for aid to aged, blind, and disabled persons, and subsection 1 of section 23-09.3-01, relating to the definition of a basic care facility.

SECTION 17. AMENDMENT. Section 50-24.1-02.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-24.1-02.2. Community spouse resource allowance. In determining eligibility for medical assistance applicants and recipients, the department of human services shall establish a community spouse resource allowance equal to the maximum community spouse resource allowance as provided by 42 U.S.C. 1396r-5(f)(2). This section applies to a community spouse of an institutionalized spouse. For purposes of this section, "institutionalized spouse" includes an individual who is described in 42 U.S.C. 1396a(a)(10)(A)(ii)(VI).

SECTION 18. AMENDMENT. The new section to chapter 23-09.3 of the North Dakota Century Code as created by section 2 of chapter 254 of the 1995 Session Laws is amended and reenacted as follows:

Moratorium on expansion of basic care bed capacity. ~~During the period after July 31, 1995, and before August 1, 1997, Except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4, the state department of health and consolidated laboratories may not issue a license under this chapter for any additional bed capacity unless the expanded bed capacity was approved by the health council under chapter 23-17.2 before August 1, 1995 above the state's gross capacity of one thousand four hundred seventy-one beds during the period between August 1, 1997, and July 31, 1999.~~

SECTION 19. AMENDMENT. The new section to chapter 23-16 of the North Dakota Century Code as created by section 3 of chapter 254 of the 1995 Session Laws is amended and reenacted as follows:

Moratorium on expansion of long-term care bed capacity. Notwithstanding sections 23-16-06 and 23-16-10, ~~during the period after July 31, 1995, and before August 1, 1997~~ except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4, the state department of health and consolidated laboratories may not issue a license for any additional bed capacity ~~unless the expanded bed capacity was approved by the health council under chapter 23-17.2 before August 1, 1995~~ above the state's gross capacity of seven thousand one hundred twenty-four beds during the period between August 1, 1997, and July 31, 1999.

SECTION 20. TRANSFER OF LAND AUTHORIZED.

1. The department of human services may sell to the department of corrections and rehabilitation the forensic unit building, the ET building and adjacent gymnasium, and surrounding real property.
2. The authorized sale is exempt from sections 54-01-05.2 and 54-01-05.5.

SECTION 21. EXEMPTION FROM BIDDING REQUIREMENTS. Notwithstanding any other provision of law relating to public contracts or bidding requirements, the department of human services may contract and expend funds for the renovation of the state hospital to accommodate patients as a result of any sale of the property described in section 20 of this Act.

SECTION 22. COMPUTER OPERATING AND DEVELOPMENT COSTS - BUDGET SECTION REPORTING. The department of human services shall allocate to the various divisions the appropriation contained in subdivision 5 of section 1 of this Act for computer operating and development costs subject to budget section approval. The department, as it develops the reforming and enhancing services for the people of North Dakota (RESPOND) computer system, shall periodically report to the budget section of the legislative council during the 1997-99 biennium on the status of the development of the system, system costs and benefits, and the receipt of the matching federal funds. The department may not spend general fund appropriations made by the fifty-fifth legislative assembly for the RESPOND computer system unless approval for the matching federal funds in the amounts estimated during the fifty-fifth legislative assembly has been received from the appropriate federal agency.

Except as may be waived by approval of the budget section of the legislative council, the department of human services shall meet the requirements provided by the administration for children and families of the United States department of health and human services in its communication dated February 12, 1997, related to the state's development of the reforming and enhancing services for the people of North Dakota (RESPOND) and training, education, employment, and management (TEEM) project. The requirements include information regarding client eligibility and expert system rules, cost benefit analysis for the TEEM and RESPOND projects, and a revised budget for the TEEM and RESPOND projects.

SECTION 23. LEGISLATIVE INTENT - COMPUTER DEVELOPMENT. It is the intent of the legislative assembly that the department of human services not enter into contracts for computer development that require the expenditure of funds in future bienniums without the prior approval of the legislative assembly. It is also the intent of the legislative assembly that the department of human services not make interest payments on computer development contracts in the amount of \$632,450 during the 1997-99 biennium that were not authorized by the legislative assembly.

SECTION 24. LEGISLATIVE INTENT - CASE MANAGEMENT - PILOT PROJECTS. It is the intent of the legislative assembly that the department of human services establish pilot projects for expanded long-term care case management to assist functionally impaired adults in accessing necessary services to maintain the appropriate level of independence in the least restrictive setting at the lowest possible cost and that these pilot projects be financed within available department resources.

SECTION 25. LEGISLATIVE INTENT - TRANSITIONAL SERVICES - DEVELOPMENTALLY DISABLED STUDENTS. It is the intent of the legislative assembly that the disability services division of the department of human services, the office of special education of the department of public instruction, and local special education units explore opportunities for collaboration and shared funding in the provision of transition services to developmentally disabled students between the ages of eighteen and twenty-one.

SECTION 26. LEGISLATIVE INTENT - WAGE INCREASES FOR LOW-INCOME DIRECT CONTACT STAFF OF COMMUNITY DEVELOPMENTAL DISABILITIES PROVIDER AGENCIES. In addition to any wage increases for direct contact staff financed out of the annual inflationary adjustments contained in subdivision 2 of section 1 of this Act, it is the intent of the legislative assembly that community developmental disabilities provider agencies attempt to mitigate staff turnover during the 1997-99 biennium by augmenting the wages of low-income direct contact staff with \$4,300,000 appropriated within subdivision 2 of section 1 of this Act and allocated by the department of human services for such purpose. Each provider agency shall inform the department of human services of the hourly wages it pays to each direct contact staff before and after applying the augmenting funds. The department shall compile and report that information to the budget section. "Low-income direct contact staff" means, for purposes of the department's ratesetting process, positions with departmentally approved hourly wage funding, in effect on July 1, 1996, for residential services, in each residence, of \$8.71 for the first full-time equivalent, \$7.66 for the second full-time equivalent, and \$6.26 for any remaining full-time equivalents except standby staff; and for day service staff, individualized supported living arrangement staff, and family support services staff, \$6.73 for each full-time equivalent.

SECTION 27. LEGISLATIVE INTENT - WAGE INCREASES FOR CERTIFIED NURSE AIDE STAFF - NURSING HOME. It is the intent of the legislative assembly that annual inflationary adjustments contained in subdivision 2 of section 1 of this Act for nursing home reimbursement be used by nursing homes to emphasize reducing certified nurse aide staff turnover by adjusting staff wages.

SECTION 28. APPROPRIATION. There is hereby appropriated, in addition to amounts appropriated in subdivision 3 of this Act, out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$648,375, or so much of the sum as may be necessary, and from special funds, the sum of \$34,125, or so much of the sum as may be necessary, to the department of human services for the purpose of providing an increase in funding for the service payments for elderly and disabled program for the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 29. REPEAL. Section 25-04-20 of the North Dakota Century Code is repealed.

SECTION 30. EFFECTIVE DATE. Section 13 of this Act becomes effective on July 1, 1998.

SECTION 31. EMERGENCY. The appropriation contained in subdivision 4 of section 1 of this Act for the state hospital includes \$1,295,000 of other funds for remodeling of state hospital buildings to accommodate the relocation of patients from buildings to be sold to the department of corrections and rehabilitation, which is declared to be an emergency measure and those funds are available immediately upon filing of this Act with the secretary of state. Sections 16, 18, 20, and 21 of this Act are declared to be emergency measures and become effective immediately upon its filing with the secretary of state."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - The attached schedule details the House changes to House Bill No. 1012.

SUBDIVISION 1 - MANAGEMENT AND COUNCILS	1997-99 EXECUTIVE BUDGET	REMOVE VACANT FTE FIELD SERVICES	REMOVE CENTRALIZED CHECKWRITING FOR IV-D PAYMENTS	REMOVE FUNDING FOR TECHNOLOGY	DELETE VACANT FTE AUTHORIZATION	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS
Salaries and wages	\$ 8,851,202	\$(158,487)	\$ (22,206)	\$(9,244,814)	()	\$ (180,693)	\$ 8,670,509
Operating expenses	16,308,781	()	(232,514)	(165,361)	()	(9,477,328)	6,831,453
Equipment	190,925	()	()	()	()	()	25,564
Grants	715,477	()	()	()	()	()	715,477
Developmental disabilities loan fund	<u>1,840,956</u>	()	()	()	()	()	<u>1,840,956</u>
Total all funds	\$27,907,341	\$(158,487)	\$(254,720)	\$(9,410,175)	()	\$(9,823,382)	\$18,083,959
Less estimated income	<u>15,782,387</u>	<u>(138,487)</u>	<u>(81,106)</u>	<u>(3,360,063)</u>	()	<u>(3,539,656)</u>	<u>12,162,731</u>
Total general fund appropriation	\$12,144,954	\$ 0	\$(173,614)	\$(6,050,112)	()	\$(6,223,726)	\$ 5,921,228
FTE	105.80	(1)	(0.50)	()	(1.0)	(2.50)	103.30

SUBDIVISION 2 - ECONOMIC ASSISTANCE	1997-99 EXECUTIVE BUDGET	ADJUST ITEM OPERATIONS	REMOVE ITEM EVALUATION	REMOVE FUNDING FOR TECHNOLOGY	NEW LINE ITEMS AND GRANT CHANGES ¹	OTHER CHANGES	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS
Salaries and wages	\$ 8,922,158							\$ 8,841,828
Operating expenses	34,771,730	\$ (50,000)	\$ (200,000)	\$ (15,646,584)				18,141,716
Equipment	151,203			(150,203)				1,000
Capital improvements	2,543							2,543
Welfare reform contingency								
Grants - Developmental disabilities direct								
staff supplement								
Grants - Assistance payments	201,094,966							500,000
Grants - Medical assistance	615,640,315							4,300,000
	<u>201,094,966</u>							
	<u>615,640,315</u>							
Total all funds	\$860,582,915	\$ (50,000)	\$ (200,000)	\$ (15,796,787)				\$826,450,739
Less estimated income	<u>664,699,964</u>		<u>(36,800)</u>	<u>(13,015,943)</u>				<u>636,150,543</u>
Total general fund appropriation	\$195,882,951	\$ (50,000)	\$ (163,200)	\$ (2,780,844)				\$190,300,196
FTE	114.80							113.80

1 Grant changes

	GENERAL FUND	OTHER FUNDS	TOTAL
Welfare reform contingency line item	\$ 500,000		\$ 500,000
Grants - Developmental disabilities direct staff supplement	<u>\$ 1,463,374</u>	<u>\$ 2,836,626</u>	<u>\$ 4,300,000</u>
Grants - Assistance payments			
Projections (2/14/97)/adjust to 2.2% inflation for AFDC, basic care, child care and JOBS, and Indian county allocations increase	\$ 871,315	\$ (937,770)	\$ (66,455)
Remove funding for AFDC-UP	(558,150)	(106,871)	(665,021)
Food stamp reprojected	(111,032,498)	500,000	(11,032,498)
Use remaining TANF funds available	(500,000)		(500,000)
Remove increased funding for Indian county allocations with the expectation if the reservations do not administer a TANF program	(619,000)		(619,000)
a deficiency request may be made			
Remove one-half of the AFDC caseload increase	<u>(764,347)</u>	<u>(7,353)</u>	<u>(771,700)</u>
Total	<u>\$ (1,570,182)</u>	<u>\$ (11,584,492)</u>	<u>\$ (13,154,674)</u>

Grants - Medical assistance

Reduce developmental disability grants for 3.3% occupancy	\$ (454,836)	\$ (1,106,550)	\$ (1,561,386)
Projections (2/14/97)/adjust to 2.2% inflation, nursing homes at 3.3% inflation, for medical assistance and developmental disability community-based care	(2,773,601)	(5,635,764)	(8,409,365)
Provide 3.8% inflation for nursing homes (HB 1040)	<u>271,563</u>	<u>782,233</u>	<u>1,053,796</u>
Total	<u>\$ (2,956,874)</u>	<u>\$ (5,960,081)</u>	<u>\$ (8,916,955)</u>

Grand total

	\$ (2,563,682)	\$ (14,707,947)	\$ (17,271,629)
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2 Remove one new FTE supervisory position for child support enforcement (\$80,330, \$27,312 from the general fund).

3 Other changes - Child support adjustments - Reduce inflator by 1.1 percent (\$189,867, \$32,277 from the general fund) (OARS 259-266), reduce fraud units (\$265,101, \$98,463 from the general fund) (OAR 293), and remove new fraud unit (\$82,000, \$30,455 from the general fund OAR 292). Targeted case management - Change funding of \$181,266 from children's trust fund to general fund. Adjust contract costs with Citibank to reflect lower food stamp caseload (\$296,462, \$17,788 from the general fund).

SUBDIVISION 3 - PROGRAM AND POLICY	1997-99 EXECUTIVE BUDGET	REMOVE DIRECTOR OF PROGRAM AND POLICY POSITION	GRANT CHANGES ¹	REMOVE FUNDING FOR TECHNOLOGY	OTHER CHANGES ²	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS
Salaries and wages	\$ 9,501,779	\$(151,077)				\$ (151,077)	\$ 9,350,702
Operating expenses	13,498,064	(26,459)		\$(2,546,294)	\$62,000	(2,510,753)	10,987,311
Equipment	1,034,393			(905,328)		(905,328)	129,065
Capital improvements	1,619						1,619
Grants	<u>99,078,622</u>		<u>\$1,188,072</u>			<u>1,188,072</u>	<u>100,266,694</u>
Total all funds	\$123,114,477	\$(177,536)	\$1,188,072	\$(3,451,622)	\$62,000	\$(2,379,086)	\$120,735,391
Less estimated income	<u>86,586,644</u>	<u>(61,903)</u>	<u>908,005</u>	<u>(2,063,740)</u>	<u>33,830</u>	<u>(1,183,808)</u>	<u>85,402,836</u>
Total general fund appropriation	\$ 36,527,833	\$(115,633)	\$ 280,067	\$(1,387,882)	\$28,1704	\$(1,195,278)	\$ 35,332,555
FTE	117.15	(1.00)				(3.50) ³	113.65
¹ Grant changes							
	GENERAL FUND		OTHER FUNDS	TOTAL			
Increase senior mill levy moneys to \$1,000,000	\$ 100,000			\$ 100,000			
Caseload reprojections (2/14/97)/adjust to 2.2% inflation for foster care, SPED, and expanded SPED	686,192		1,034,457	1,720,649			
Reduce SPED grants to reflect medical allowance deduction changes (\$300/\$700 to \$250/\$600 - single/family)	(27,596)		(1,452)	(29,048)			
Reduce child abuse standard (OAR 339)	(300,000)			(300,000)			
Reduce sheltered care services (OAR 349)	(25,000)			(25,000)			
Reduce county reimbursement for high risk daycare (OAR 347)	(28,529)			(28,529)			
Reduce Vocational Rehabilitation grants to avoid future maintenance of effort requirements (OAR 323)	<u>(125,000)</u>		<u>(125,000)</u>	<u>(250,000)</u>			
Total	\$ 280,067		\$ 908,005	\$1,188,072			

² Other changes

Provide \$62,000 from the general fund for vocational rehabilitation training of visually impaired seniors.

³ An additional 2.5 vacant FTE are removed.

⁴ A general fund reduction/other funds increase of \$33,830 is made for a disability claims analyst position funding change.

SUBDIVISION 4	ALL FUNDS CHANGES				TOTAL CHANGES	HOUSE VERSION
	1997-99 EXECUTIVE RECOMMENDATION	REMOVE COMPUTER SYSTEMS FUNDING	FOUR PERCENT REDUCTION	SUPPLEMENTAL FUNDING		
Human service centers						
Northwest	\$ 7,843,299	\$ (197,971)	\$ (159,271)		\$ (357,242)	\$ 7,486,057
North Central	12,933,325	(432,605)	(247,898)		(680,503)	12,252,822
Lake Region	7,366,308	(189,496)	(165,981)		(355,477)	7,010,831
Northeast	15,936,193 ¹	(263,634)	(293,713)		(557,347)	15,378,846
Southwest	17,060,957	(372,353)	(284,045)		(656,398)	16,404,559
South Central	9,512,689	(282,909)	(197,589)		(480,498)	9,022,191
West Central	15,124,615	(369,510)	(275,825)		(645,335)	14,479,280
Badlands	7,883,040	(147,133)	(172,536)		(76,322)	7,959,362
Total human service centers	\$ 93,662,426	\$ (2,265,613)	\$ (1,796,858)		\$ (3,666,471)	\$ 89,995,955
State Hospital	\$ 59,828,413	\$ (4,812,504)	\$ (1,524,373)		\$ (5,588,111)	\$ 54,240,302
Developmental Center	39,644,743	(194,832)	(363,219)		(558,051)	39,086,692
Mental Health - Supplemental fund				\$ 1,143,279	1,143,279	1,143,279
Developmental disabilities services - Supplemental fund				181,609	181,609	181,609
Total all funds	\$193,135,582	\$ (7,272,949) ²	\$ (3,684,450) ³	\$ 1,324,8884	\$ (9,646,8516)	\$ 184,647,837
GENERAL FUND CHANGES						
Human service centers						
Northwest	\$ 4,034,982	\$ (131,106)	\$ (159,271)		\$ (290,377)	\$ 3,744,605
North Central	6,325,483	(319,514)	(247,898)		(567,412)	5,758,071
Lake Region	4,149,514	(163,771)	(165,981)		(329,752)	3,819,762
Northeast	7,462,3394	(155,145)	(293,713)		(448,858)	7,013,481
Southwest	7,101,123	(194,005)	(284,045)		(478,050)	6,623,073
South Central	5,061,637	(180,804)	(197,589)		(378,393)	4,683,244
West Central	7,138,732	(279,491)	(275,825)		(555,316)	6,583,416
Badlands	4,429,355	(119,008)	(172,536)		(291,544)	4,137,811
Total human service centers	\$ 45,703,165	\$ (1,542,844)	\$ (1,796,858)		\$ (3,339,702)	\$ 42,363,463
State Hospital	\$ 42,847,213	\$ (4,812,124)	\$ (1,524,373)		\$ (7,148,621)	\$ 35,698,592
Developmental Center	9,413,550	(96,084)	(363,219)		(459,303)	8,954,247
Mental Health - Supplemental fund				\$ 1,143,279	1,143,279	1,143,279
Developmental disabilities services - Supplemental fund				181,609	181,609	181,609
Total general fund	\$ 97,963,928	\$ (6,451,052) ²	\$ (3,684,450) ³	\$ 1,324,8884	\$ (9,646,8516)	\$ 88,316,839

¹ The executive recommended general fund amount identified by the Department of Human Service Centers for the Northeast Human Service Center has been reduced by \$42,015 from the general fund to reflect the unallocated reduction identified by the Department of Human Services to equal the executive recommendation. Also to match the executive recommendation, the estimated income amount for the Northeast Human Service Center identified by the department has been increased by \$42,015.

² Funding for information technology, including funding relating to the RESPONSE computer project is being removed from the human service centers, the State Hospital, and the Developmental Center and included as part of a computer technology appropriation in subdivision 5 of the bill.

³ General fund support for the human service centers, the State Hospital, and the Developmental Center is reduced by four percent of an adjusted general fund total that excludes funding for capital improvements and for the RESPONSE project.

⁴ Provides \$1,143,279 from the general fund for a supplemental fund for developmental disabilities services that the department may allocate, subject to Budget Section approval, to the human service centers, the State Hospital, and the Developmental Center to address costs associated with deinstitutionalization, caseeload increases, patient stays or other unanticipated costs associated with serving persons with a mental illness or a developmental disability. The section also requires the department to inform the Budget Section of requests for funding that the department is not asking the Budget Section to approve. The Department of Human Services should provide information on all requests to members of the Budget Section prior to the meeting date.

⁵ Removes funding relating to the transfer of 8.8 FTE positions (\$596,384) and operating costs (\$101,701) to the Department of Corrections for operating a medium security prison on the State Hospital grounds.

6 Adds funding of \$151,851 for costs associated with the sale of utilities to the Department of Corrections. Estimated income is increased by \$290,241, and general fund support is reduced by \$138,390. Adds \$1,295,000 of estimated income generated from the sale of land to the Department of Corrections for the medium security prison. The funding will be used to remodel facilities to relocate the patients which were housed in the facilities that now will be used to house inmates of the Department of Corrections.

7 Adds other funds to allow the Backlands Human Service Center to continue a contract with St. Joseph's Hospital in Dickinson for outpatient behavioral health care.

The amendment provides a single line item appropriation, except for capital improvements which are appropriated separately, for each of the human service centers, the State Hospital, and the Developmental Center rather than the object code line items recommended in the executive budget for the State Hospital, the Developmental Center, and in total for all human service centers. This amendment removes 15.5 FTE vacant positions at the human service centers and eight FTE at the State Hospital.

The amendment includes sections that:

- . Provide legislative intent regarding the expectations of services the human service centers are to provide during the 1997-99 biennium.
- . Provide legislative intent that the Emergency Commission authorize additional FTE positions for the human service centers, State Hospital, or Developmental Center relating to approved mental health or developmental disabilities supplemental funding.
- . Require the department to develop a reimbursement system for the 1998-2001 biennium based on service costs at the human service centers.
- . Allow the human service centers, the State Hospital, and the Developmental Center to provide employee bonuses in June 1998 of up to three percent of an employee's salary from program efficiencies accumulated during the 1997-99 biennium.
- . Exempt the human service centers, State Hospital, and Developmental Center general fund appropriations from the provision that cancels appropriations at the end of each biennium.
- . Regional human service center director positions are unclassified positions and that they serve at the pleasure of the executive director of the Department of Human Services.
- . Provide that the \$1,295,000 received by the State Hospital for the sale of land and buildings to the Department of Corrections and appropriated to the State Hospital is an emergency measure.

A new subdivision 5 is added appropriating \$32,263,866 for computer technology, of which \$13,000,000 is from the general fund. Total reductions of \$35,936,533, \$16,672,667 from the general fund, were removed from the individual subdivisions 1 through 4.

New sections are added to House Bill No. 1012 regarding:

- Receipt by the State Hospital of \$1,295,000 for the sale of land and buildings to the Department of Corrections and Rehabilitation, authorizing the sale of the property and appropriating the proceeds as an emergency measure.
- The Department of Human Services meeting the requirements of correspondence dated February 12, 1997, except as waived by the Budget Section, and providing the department may not spend the related general fund appropriations until the requirements are met.
- The Department of Human Services reporting to the Budget Section regarding the status of the RESPOND computer system including system costs and benefits and the receipt of federal funds.
- Providing for a moratorium on basic care beds above 1,471 and nursing home beds above 7,124 and allowing for 10 Alzheimer's beds as a pilot project.
- Authorizing the Department of Human Services to have pilot projects for long-term care case management within available resources.
- Legislative intent regarding collaboration and shared funding in the provision of services to developmentally disabled students transitioning from school to other programs.
- Legislative intent relating to increasing wages for developmentally disabled direct contact staff.
- Allowing the community spouse resource allowance to apply to persons on home and community-based services (North Dakota Century Code Section 54-24.1-02.2).
- Legislative intent regarding case management pilot projects and regarding wage increases for developmentally disabled direct contact staff, and nursing home certified nurses aides.
- Repealing Section 25-04-20 regarding the Westwood Park Assets Management Committee.

A section is added appropriating \$682,500, \$648,375 of which is from the general fund to provide an increase in funding for the service payments for the elderly and disabled (SPED) program to allow a total increase of 10 SPED clients per month (an increase of 3.5 clients per month is included in the executive budget). Provides total funding of \$9,817,413, of which \$9,326,542 is from the general fund.

	GENERAL FUND	OTHER FUNDS	TOTAL
Total Department of Human Services changes this amendment	\$(9,000,473)	\$(12,875,550)	\$(21,876,023)

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

SEVENTH ORDER OF BUSINESS

REP. OBAN MOVED that the report of the Minority be substituted for the report of the Majority on HB 1012, which motion failed on a verification vote.

MOTION

REP. WENTZ MOVED that the report of the Majority on HB 1012 be adopted, which motion prevailed.

HB 1012, with the proposed Majority report amendments, was placed on the Sixth order of business on the calendar.

SIXTH ORDER OF BUSINESS

HB 1012: REP. WENTZ (Appropriations Committee) MOVED that the Majority report amendments to HB 1012 be adopted and be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide for the transfer of appropriations between agencies and institutions; to create and enact a new subsection to section 50-06-05.4 and section 50-06-14.4 of the North Dakota Century Code, relating to the human service council duties and to projects involving services for the alzheimer's and related dementia population; to provide an exemption from sections 54-14-03.1 and 54-44.1-11 and to authorize the sale of certain buildings on the grounds of the state hospital to the department of corrections and rehabilitation; to amend and reenact sections 50-06-05.5, 50-06-14.3, and 50-24.1-02.2 of the North Dakota Century Code and to amend and reenact the new section to chapter 23-09.3 as created by section 2 of chapter 254 of the 1995 Session Laws and the new section to chapter 23-16 to the North Dakota Century Code as created by section 3 of chapter 254 of the 1995 Session Laws, relating to the human service center directors, state basic care program, a moratorium on long-term care bed capacity, and community resource allowance; to repeal section 25-04-20 of the North Dakota Century Code, relating to the westwood park assets management committee; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Drovdal; Gorder; Klein; Kliniske; Olson; Schmidt; Thompson

HB 1012, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

HB 1015: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

REP. KRETSCHMAR REQUESTED that the question of the adoption of the amendments to HB 1015 be divided to have the sections voted on separately in the following manner, which request was granted.

RULING BY SPEAKER

SPEAKER TIMM RULED that in accordance with House Rule 603, any question may have the amendments divided into separate divisions and the question of the adoption of the amendments must be taken separately on each amendment. All approved divisions will then comprise the report that is to be adopted. Therefore, Rep. Kretschmar's request was granted.

DIVISION A

SECTION 15. INTENT - LEGISLATIVE RENOVATIONS. It is the intent of the fifty-fifth legislative assembly that the facility management division of the office of management and budget convert, during the 1997-99 biennium, the house of representatives lounge into a house committee room. The house conference room is then to be renovated and used to provide space and three telephone lines for the doctor of the day.

DIVISION B

Page 1, line 6, after the semicolon insert "to provide directives relating to 911 telephone services; to provide for program reductions if federal programs are terminated or reduced; to provide for a transfer from the North Dakota insurance reserve fund to the office of management and budget; to provide for a transfer from the information services division operating fund to the state general fund; to provide legislative intent regarding legislative renovations; and replace "section" with "sections 32-12.2-06 and"

Page 1, line 7, after "the" insert "state risk management fund and to the"

Page 1, line 19, replace "8,268,512" with "8,260,692"

Page 1, line 23, replace "57,214,108" with "57,206,288"

Page 2, line 2, replace "15,217,888" with "15,210,068"

Page 2, line 5, replace "45,370,940" with "44,897,969"

Page 2, line 6, replace "45,370,940" with "44,897,969"

Page 2, line 9, replace "4,646,858" with "4,601,858"

Page 2, line 10, replace "4,646,858" with "4,601,858"

Page 2, line 12, replace "399,217" with "354,217"

Page 2, line 21, replace "19,742,049" with "19,689,229"

Page 2, line 22, replace "92,201,411" with "91,728,440"

Page 2, line 23, replace "111,943,460" with "111,417,669"

Page 2, remove lines 24 through 31

Page 4, line 28, replace "a comprehensive public communication" with "the mobile data communications"

Page 4, after line 29, insert:

"SECTION 11. STATE RADIO - 911 SERVICES. As required by section 18 of 1995 Senate Bill No. 2015, the fifty-fifth legislative assembly specifically provides state radio communications with the authority to expand its 911 services beyond the twenty-county limit set by the fifty-fourth legislative assembly. The authority to add Golden Valley county to its 911 service begins with the effective date of this Act and ends on June 30, 1999. State radio communications is then limited to providing 911 services to the counties being served as of June 30, 1999.

SECTION 12. FEDERAL PROGRAM TERMINATIONS - BLOCK GRANT - FUNDING REDUCTIONS - RELATED PROGRAM REDUCTIONS - REPORTS TO THE BUDGET SECTION. If the federal government during the 1997-99 biennium terminates funding for any program administered by an agency, department, or institution of the state of North Dakota, the agency, department, or institution, subject to budget section approval, may terminate the program and not replace the reduction in federal funds with state funds, notwithstanding any other provision of law. If the federal government combines funding for separate programs in a block grant resulting in a reduction of total federal funds available for those programs, the administering agency, department, or institution may, subject to budget section approval, prioritize or reprioritize programs as necessary in making programmatic reductions. The agency, department, or institution may administer funds available under a new federal block grant or similar measure, consistent with the terms of that measure, notwithstanding any other provisions of law intended to conform to or implement the provisions of the repealed federal Act, and shall report any program terminations, reductions, or changes resulting from this section to the budget section of the legislative council for its approval.

SECTION 13. RISK MANAGEMENT. The North Dakota insurance reserve fund shall transfer \$5,000,000 of excess equity investment in the North Dakota insurance reserve fund to the office of management and budget on July 1, 1997. This transfer represents final settlement with the North Dakota insurance reserve fund for any claim by the state to any funds held in reserve by the North Dakota insurance reserve fund for claims pending before July 1, 1997.

The recovery of the \$5,000,000, together with current reserves in the risk management fund, are considered sufficient reserves for claims anticipated in the 1997-99 biennium. Therefore, the following amounts shall be deducted from the budgets for risk management premiums as indicated:

AGENCY NAME	TOTAL CONTRIBUTIONS RECOMMENDED 1997-99
Governor	\$ 5,807
Secretary of state	8,065
Office of management and budget	39,231
Information services division	44,199
State auditor	16,843
Central services	8,065
State treasurer	3,441
Attorney general	68,782
State tax commissioner	50,332
Office of administrative hearings	1,742
Legislative council	10,001
Supreme court	20,216
Judicial conduct commission	2,151
Trial courts	81,734
Retirement and investment office	6,129
Public employees retirement system	5,807
Superintendent of public instruction	42,732
North Dakota university system office	6,387
Board of university and school lands	5,408
Bismarck state college	45,205
University of North Dakota - Lake Region	13,657
University of North Dakota - Williston	14,984
University of North Dakota	332,362
University of North Dakota medical center	169,097
North Dakota state university	246,740
North Dakota state college of science	80,723
Dickinson state university	40,332
Mayville state university	23,424
Minot state university	99,680
Valley City state university	36,719
Minot state university - Bottineau	14,988
North Dakota forest service	7,024
State library	9,517
School for the deaf	16,864
School for the blind	11,275
State board for vocational and technical education	10,162
State department of health	171,531
Veterans home	29,930
Indian affairs commission	1,075
Department of veterans affairs	3,075
Children's services coordinating committee	645
Department of human services	717,420
Protection and advocacy project	13,764
Job service North Dakota	144,639
Insurance commissioner	16,453
Industrial commission	24,092
Labor commissioner	2,581
Public service commission	16,133
Aeronautics commission	1,742
Department of banking and financial institutions	10,323
Securities commissioner	3,011
Bank of North Dakota	67,754
North Dakota housing finance agency	16,453
North Dakota mill and elevator association	53,341
Workers compensation bureau	50,171
Highway patrol	105,931
State radio communications	9,678
Division of emergency management	9,033
Department of corrections and rehabilitation	210,807
Adjutant general	73,414

Department of economic development and finance	9,678
Agriculture commissioner	13,954
North Dakota agricultural products utilization commission	645
State seed department	10,307
Upper great plains transportation institute	3,871
North Dakota state university extension service	74,204
Northern crops institute	2,581
North Dakota state university main research center	109,137
Dickinson research center	4,115
Central grasslands research center	1,613
Hettinger research center	2,581
Langdon research center	2,179
North central research center	1,936
Williston research center	2,581
Carrington research center	4,678
Agronomy seed farm	968
Land reclamation research center	6,696
North Dakota state fair	3,637
State historical society	16,778
Council on the arts	1,774
Soil conservation committee	1,936
Game and fish department	40,167
Department of tourism	3,226
Department of parks and recreation	11,033
State water commission	36,566
Department of transportation	<u>1,095,846</u>
Total	<u>\$4,815,508</u>

SECTION 14. TRANSFER. The director of the office of management and budget shall transfer \$550,000, or an amount equal to the 1997-99 biennium costs relating to the information technology management division of the legislative council, whichever is less, from the information services operating fund to the general fund during the biennium beginning July 1, 1997, and ending June 30, 1999. The transfer is to reimburse the general fund for costs relating to information technology research, planning, monitoring, reviewing, and auditing and for assistance provided to agencies by the information technology management division of the legislative council.

SECTION 16. AMENDMENT. Section 32-12.2-06 of the North Dakota Century Code is amended and reenacted as follows:

32-12.2-06. (~~Contingent expiration date — see Note~~) Liability insurance - Reinsurance. Upon approval of the director of the office of management and budget, an entity of the state may participate in a government self-insurance pool or may purchase insurance against liability of the entity and its employees for damages resulting from claims under this chapter. The director shall limit participation in government self-insurance pools and, except as provided in this section, the purchase of insurance to exposures determined to cause an excessive financial risk to the state risk management fund including exposures reasonably expected to deplete the fund and have a significant detrimental impact on the state's budget. The director shall develop a state self-insurance program that provides as much coverage as possible of potential liability recognized by this chapter, but that includes supplemental insurance purchases in a manner that is determined appropriate by the director in consultation with the state risk manager. The insurance may be provided by an insurance company authorized to do business in this state which the commissioner of insurance has determined to be responsible and financially sound, considering the extent of the coverage required, or coverage may be provided by a government self-insurance pool. If a premium savings will result and the director of the office of management and budget approves, the insurance policy or memorandum of coverage may be in force from one through three years from the date of issue. The director may procure an excess loss reinsurance contract for the state."

Page 5, line 13, replace "12" with "17"

Page 5, line 15, replace "12" with "17"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	INCREASED JANITORIAL COSTS FOR LEGISLATIVE SESSION	REMOVE ARCHITECTURAL POOL	ADD FUNDING FOR THE PRELIMINARY REVOLVING LOAN FUND	REMOVE NEW FTE - EVENTS COORDINATOR	REMOVE NEW FTE - DIRECTOR OF CUSTODIAL SERVICES	TOTAL HOUSE CHANGES	HOUSE VERSION
Administration	\$ 3,405,558							\$ 3,405,558
Fiscal management	4,066,236							4,066,236
Facility Management	8,268,512	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	8,260,692
Central Personnel	1,126,728							1,126,728
Intergovernmental assistance	39,503,256							39,503,256
Risk management	843,818							843,818
Total all funds	\$57,214,108	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	\$57,206,288
Less estimated income	41,996,220							41,996,220
General fund	\$15,217,888	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	\$15,210,068
FTE	119.60				(1.00)	(1.00)	(2.00)	117.60
Salaries and wages	\$ 9,094,855	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(132,820)	\$ 8,962,035
Operating expenses	8,243,188							8,243,188
Equipment	506,215							506,215
Grants	37,934,000							37,934,000
Capital improvements	1,435,850							1,435,850
Total all funds	\$57,214,108	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	\$57,206,288
Less estimated income	41,996,220							41,996,220
General fund	\$15,217,888	\$27,500	\$(75,000)	\$200,000	\$(80,160)	\$(80,160)	\$(7,820)	\$15,210,068

The \$200,000 is to be used to establish a balance in the preliminary planning revolving loan fund, as recommended by the Budget Section. Pursuant to North Dakota Century Code (NDCC) Section 54-44.1-07, the Budget Section requested that the Office of Management and Budget include in the executive budget presented to the 1997 Legislative Assembly money to be used for the preliminary planning revolving loan fund which is established by NDCC Section 54-27-22. The fund was originally established by the 1975 Legislative Assembly to be used for the prepayment of consultant and planning fees for capital improvement projects. The purpose of the fund is to assist agencies in preparing more accurate cost estimates for proposed capital projects.

This amendment also adds new Sections 12, 13, 14, 15, and 16 as follows:

Section 12 provides that if federal funding for a program is terminated during the 1997-99 biennium, the administering state agency, department, or institution shall terminate the program. It also provides that if the federal government reduces federal funding by combining the funding for separate programs into a block grant, the agency, department, or institution shall prioritize or reprioritize programs as necessary.

Section 13 provides for a transfer from the North Dakota insurance reserve fund of \$5,000,000 of excess equity investment in the North Dakota insurance reserve fund to the Office of Management and Budget.

Section 14 provides for a transfer equal to the costs associated with the Legislative Council's Information Technology Management Division up to \$550,000 from the Information Services Division's operating fund to the general fund during the 1997-99 biennium. The amount is a portion of the estimated revenue that will be generated as a result of increasing the Information Services Division's overhead rate by two percent from 2.9 percent to 4.9 percent for the 1997-99 biennium. Funding for the increase has been included in agency budget requests and the increase is based on the recommendations of Wolfe and Associates, Inc., to provide funding for planning, reviewing, and for research and development costs. These functions were originally included in the Information Services Division but are now being transferred to the Legislative Council and provided a general fund appropriation.

Section 15 provides legislative intent regarding legislative renovations.

Section 16 amends Section 32-12.2-06 relating to the state risk management fund. The change directs the director of the Office of Management and Budget to develop a state self-insurance program.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE PLANNING FUNCTIONS	TOTAL HOUSE CHANGES	HOUSE VERSION
Information resource management	\$45,370,940	\$(472,971)	\$(472,971)	\$44,897,969
Total all funds	\$45,370,940	\$(472,971)	\$(472,971)	\$44,897,969
Less estimated income	<u>45,370,940</u>	<u>(472,971)</u>	<u>(472,971)</u>	<u>44,897,969</u>
General fund	\$0	\$0	\$0	\$0
FTE	159.00	(4.00)	(4.00)	155.00
Salaries and wages	\$13,963,492	\$(442,611)	\$(442,611)	\$13,520,881
Operating expenses	27,522,448	(20,360)	(20,360)	27,502,088
Equipment	<u>3,885,000</u>	<u>(10,000)</u>	<u>(10,000)</u>	<u>3,875,000</u>
Total all funds	\$45,370,940	\$(472,971)	\$(472,971)	\$44,897,969
Less estimated income	<u>45,370,940</u>	<u>(472,971)</u>	<u>(472,971)</u>	<u>44,897,969</u>
General fund	\$0	\$0	\$0	\$0

DEPARTMENT 118 - CENTRAL SERVICES

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	DECREASE FUNDING FOR INFORMATION TECHNOLOGY SYSTEM	TOTAL HOUSE CHANGES	HOUSE VERSION
Central services	\$4,646,858	\$(45,000)	\$(45,000)	\$4,601,858
Total all funds	\$4,646,858	\$(45,000)	\$(45,000)	\$4,601,858
Less estimated income	<u>4,247,641</u>	<u> </u>	<u> </u>	<u>4,247,641</u>

General fund	\$399,217	\$(45,000)	\$(45,000)	\$354,217
FTE	27.00		0.00	27.00
Salaries and wages	\$1,790,989		\$0	\$1,790,989
Operating expenses	2,780,869	\$(22,500)	(22,500)	2,758,369
Equipment	<u>75,000</u>	<u>(22,500)</u>	<u>(22,500)</u>	<u>52,500</u>
Total all funds	\$4,646,858	\$(45,000)	\$(45,000)	\$4,601,858
Less estimated income	<u>4,247,641</u>			<u>4,247,641</u>
General fund	\$399,217	\$(45,000)	\$(45,000)	\$354,217

DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

HOUSE - This amendment adds a new Section 11 which allows State Radio to expand its 911 services by adding Golden Valley County. Section 18 of 1995 Senate Bill No. 2015 provided that State Radio could not expand beyond 20 counties until the Fifty-fifth Legislative Assembly addressed the future of 911 services provided by State Radio.

The question being on the motion to adopt Division A of the proposed amendments to HB 1015.

REP. KRETSCHMAR REQUESTED a recorded roll call vote on the adoption of Division A, which request was granted.

ROLL CALL

YEAS: Bernstein; Byerly; Callahan; Carlisle; Christenson; Dalrymple; Freier; Froseth; Gerntholz; Grande; Huether; Kelsh, S.; Kerzman; Kunkel; Martinson; Murphy; Sabby; Sandvig; Soukup; Svedjan; Tollefson; Wardner; Warner; Speaker Timm

NAYS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Carlson; Christopherson; Clark; Coats; DeKrey; Delmore; Delzer; Devlin; Dorso; Fairfield; Galvin; Glassheim; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Skarphol; Stenehjem; Sveen; Thoreson; Thorpe; Torgerson; Wald; Weisz; Wentz; Wilkie

ABSENT AND NOT VOTING: Drovdal; Gorder; Kliniske; Olson; Schmidt; Thompson

Division A of the proposed amendments to HB 1015 failed on a recorded roll call vote.

The question being on the motion to adopt Division B of the proposed amendments to HB 1015.

Division B of the proposed amendments to HB 1015 was adopted on a voice vote.

The question then was on the adoption of the proposed amendments to HB 1015 excluding Division A, and including Division B, with the title amended appropriately and lines, sections, and pages renumbered accordingly.

The amendments were adopted and HB 1015, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide a statement of legislative intent relating to state employee compensation adjustments; to authorize transfer of various special funds to the general fund; to provide for mobile data terminals; to provide directives relating to 911 telephone services; to provide for program reductions if federal programs are terminated or reduced; to provide for a transfer from the North Dakota insurance reserve fund to the office of management and budget; to provide for a transfer from the information services division operating fund to the state general fund; to amend and reenact sections 32-12.2-06 and 54-27.2-02 of the North Dakota Century Code, relating

to the state risk management fund and to the budget stabilization fund; to provide an expiration 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 PASS, the roll was called and there were 86 YEAS, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Carlson; Delzer; Glassheim; Grosz; Skarphol

ABSENT AND NOT VOTING: Drovdal; Gorder; Kliniske; Olson; Schmidt; Thompson

HB 1015, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

HB 1013: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, the school for the blind, and the state library; and to amend and reenact section 15-21-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 5 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Callahan; Kerzman; Oban; Rose; Sandvig

ABSENT AND NOT VOTING: Drovdal; Gorder; Hawken; Kliniske; Olson; Schmidt; Thompson

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

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Twelfth, Thirteenth, and Fifteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, February 26, 1997, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1006, HB 1008, HB 1009, HB 1010, HB 1035, HB 1039, HB 1040, HB 1101, HB 1116, HB 1168, HB 1170, HB 1216, HB 1226, HB 1259, HB 1305, HB 1312, HB 1334, HB 1337, HB 1342, HB 1395, HB 1397, HB 1401, HB 1410, HB 1427, HB 1433, HCR 3027, HCR 3035, HCR 3045.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SCR 4010.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1003, HB 1012, HB 1013, HB 1015, HB 1019, HB 1025, HB 1034, HB 1041, HB 1047, HB 1071, HB 1393, HB 1431.

HOUSE ENGROSSING REPORT

The following bill was engrossed: HB 1003, HB 1012, HB 1013, HB 1015, HB 1025, HB 1019, and HB 1431.

HOUSE REENGROSSING REPORT

The following bills were reengrossed: HB 1034, HB 1041, HB 1047, HB 1071, HB 1342, HB 1393, HB 1427, and HB 1433.

FIRST READING OF SENATE BILLS

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the use of fees collected by the legislative council or the legislative assembly; to repeal section 54-03-19 of the North Dakota Century Code, relating to the seal on legislative bills; to provide for retroactive application; and to declare an emergency.

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

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact sections 23-09-01, 23-09-02.1, 23-09-03, 23-09-05, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-18, 23-09-20.1, 23-09-21, and 23-09-22 of the North Dakota Century Code, relating to the requirements for the operation of a food and lodging establishment; to repeal section 23-09-12 of the North Dakota Century Code, relating to certificates of inspection; to provide an effective date; to provide an expiration date; and to provide for a legislative council study.

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

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; and to amend and reenact section 15-03-04 of the North Dakota Century Code, relating to investments by the board of university and school lands.

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

SB 2021: A BILL for an Act to amend and reenact section 32-12.1-08, subsection 70 of section 40-05-01, sections 40-46-02, 40-46-26, 40-48-07, subsection 13 of section 40-49-12, sections 40-55-09, 49-17.2-21, subsection 3 of section 52-09-08, sections 57-15-01.1, 57-15-06, 57-15-06.4, 57-15-06.6, 57-15-08, 57-15-10.1, 57-15-12, 57-15-12.1, 57-15-12.2, 57-15-12.3, 57-15-27.1, 57-15-27.2, 57-15-28.1, 57-15-37, 57-15-53, 57-15-60, and 61-04.1-26 of the North Dakota Century Code, relating to consolidation of property tax levy authority of park districts, cities, and counties; to repeal subsections 18, 19.1, 20, and 21 of section 57-15-06.7 and subsections 12 and 14 of section 57-15-10 of the North Dakota Century Code, relating to property tax levy authority of cities and counties; to provide for transition; and to provide an effective date.

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

SB 2042: A BILL for an Act to create and enact a new section to chapter 26.1-45, 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 qualifications of qualified care providers, a short-form income tax credit for premiums paid for long-term care insurance coverage, and an employer tax credit for premiums paid for long-term care insurance coverage; to amend and reenact section 57-38-29.2 of the North Dakota Century Code, relating to an income tax credit for premiums paid for long-term care insurance coverage; and to provide an effective date.

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

SB 2051: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation and expense reimbursement of members of the legislative assembly; to provide for retroactive application; and to declare an emergency.

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

SB 2052: A BILL for an Act to amend and reenact sections 4-09-03.1, 4-10.4-05, 4-10.5-04, 4-10.6-04, subsection 3 of section 4-27-05, sections 4-28-05, 21-10-01, 23-01-02, 23-18.2-04, 24-02-37.1, subsection 2 of section 25-02-01.1, sections 25-04-20, 43-12.1-07, 43-35-07, 49-21-22.1, subdivision a of subsection 4 of section 49-23-03, section 54-03-19.1, subsection 4 of section 54-06-25, sections 54-24.3-02, 54-35.2-04, subsection 6 of section 54-52-03, sections 61-02-12, 61-04.1-07, 61-06-22, 61-24-04, and 61-24.5-04 of the North Dakota Century Code, relating to compensation and reimbursement of members of various boards, councils, and commissions and the appointment of members of the legislative compensation commission.

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

SB 2053: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation and reimbursement of members of the legislative assembly.

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

SB 2061: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to the vote required to approve issuance of certain bonds by political subdivisions.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2109: A BILL for an Act to amend and reenact subsection 5 of section 39-06-02, sections 39-06-07.1, 39-06-08, subsection 1 of section 39-06-14, sections 39-06-18, 39-06-20, subsection 2 of section 39-06.1-01, section 39-06.1-13, and subsection 6 of section 39-06.2-02 of the North Dakota Century Code, relating to motor vehicle operator's licensing exemptions, proof of name and date of birth, applications of minors, license color, change of address or name, definition of equivalent ordinance, reduction of point total, and definition of commercial motor vehicle.

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

SB 2132: A BILL for an Act to create and enact a new subsection to section 26.1-05-19, relating to insurance company investments; and to amend and reenact subsection 6 of section 26.1-03-17, subsection 4 of section 26.1-36.1-01, subsection 4 of section 26.1-36.1-05, and section 26.1-44-05 of the North Dakota Century Code, relating to an annual insurance premium tax filing fee, medicare supplement insurance, and endorsement of surplus lines insurance policies.

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

SB 2144: A BILL for an Act to amend and reenact section 18-11-15 of the North Dakota Century Code, relating to benefits under the alternate firefighters relief association plan.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2159: A BILL for an Act to create and enact subsection 11 to section 39-24-09 of the North Dakota Century Code, relating to liability insurance for snowmobiles; to amend and reenact subsection 38 of section 39-01-01 and section 39-24-11 of the North Dakota Century Code, relating to the definition of a motor vehicle and liability insurance for snowmobiles; and to provide a penalty.

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

SB 2160: A BILL for an Act to create and enact a new subsection to section 20.1-02-15.1 and chapter 39-24.1 of the North Dakota Century Code, relating to implied consent for snowmobile operators; to amend and reenact subdivision c of subsection 5 of section 39-24-09 of the North Dakota Century Code, relating to driving a snowmobile while under the influence of an intoxicating liquor or drug; and to provide a penalty.

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

SB 2173: A BILL for an Act to amend and reenact sections 15-40.1-09, 15-40.1-09.1, 15-47-04, and 15-47-33 of the North Dakota Century Code, relating to the length of the school term.

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

SB 2191: A BILL for an Act to amend and reenact subsection 3 of section 57-02-08.3, sections 57-38-49, 57-38-50, subsections 3, 4, 5, and 6 of section 57-39.2-13, subsections 3, 4, 5, and 6 of section 57-40.2-16, subsections 2, 3, and 4 of section 57-40.3-07.1,

subsections 3, 4, and 6 of section 57-43.1-17.4, and subsections 3, 4, and 6 of section 57-43.2-16.3 of the North Dakota Century Code, relating to filing of tax liens; and to provide an effective date.

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

SB 2198: A BILL for an Act to create and enact a new section to chapter 35-20 of the North Dakota Century Code, relating to creation of a landlord's lien on a mobile home.

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

SB 2200: A BILL for an Act to create and enact sections 40-51.2-02.1, 40-51.2-02.2, and 40-51.2-07.1 of the North Dakota Century Code, relating to annexation agreements, annexation of land in another city's extraterritorial zoning area, and the mediation of city annexations; to amend and reenact sections 40-51.2-05, 40-51.2-06, 40-51.2-07, 40-51.2-08, 40-51.2-09, 40-51.2-11, 40-51.2-12, 40-51.2-13, 40-51.2-14, 40-51.2-15, 40-51.2-16, and 40-51.2-17 of the North Dakota Century Code, relating to the annexation of property to a city; and to repeal section 40-51.2-10 of the North Dakota Century Code, relating to the composition of the annexation review commission.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2206: A BILL for an Act to create and enact three new sections to chapter 15-38 of the North Dakota Century Code, relating to sex education in the public schools.

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

SB 2214: A BILL for an Act to amend and reenact section 54-06-20 of the North Dakota Century Code, relating to the composition of the indigent civil legal services fund advisory committee and to the permissible uses and limitations on funds distributed by the committee; and to provide an appropriation to the indigent civil legal services fund.

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

SB 2231: A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to execution on money retained pursuant to garnishment; and to amend and reenact sections 32-09.1-02, 32-09.1-04, 32-09.1-06, 32-09.1-07, 32-09.1-08, 32-09.1-22, and 32-09.1-23 of the North Dakota Century Code, relating to garnishment proceedings and claims of exemptions.

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

SB 2234: A BILL for an Act to amend and reenact subsection 1 of section 43-15-01 of the North Dakota Century Code, relating to the definition of administer as it relates to drugs.

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

SB 2240: A BILL for an Act to create and enact a new subsection to section 43-48-03 of the North Dakota Century Code, relating to clinical laboratory practice exemptions.

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

SB 2244: A BILL for an Act to amend and reenact section 35-31-03 of the North Dakota Century Code, relating to agricultural suppliers' liens.

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

SB 2248: A BILL for an Act to create and enact a new chapter to title 35 of the North Dakota Century Code, relating to creation and enforcement of liens on property in self-service storage facilities.

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

SB 2260: A BILL for an Act to create and enact a new section to chapter 61-03 of the North Dakota Century Code, relating to removal, modification, or destruction of dangers in, on the bed of, or adjacent to a navigable lake; to amend and reenact section 57-28-09 of the North Dakota Century Code, relating to tax deeds issued to the state; and to declare an emergency.

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

SB 2264: A BILL for an Act to provide for exemptions from hours of service provisions for intrastate commercial drivers; and to declare an emergency.

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

SB 2269: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to license plates for law enforcement vehicles; and to amend and reenact subdivision b of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles exempt from registration.

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

SB 2271: A BILL for an Act to provide for creation of regional water resource districts; and to amend and reenact sections 61-02-04 and 61-02-07 of the North Dakota Century Code, relating to membership and quorum of the state water commission.

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

SB 2295: A BILL for an Act to amend and reenact subsection 1 of section 41-09-16 and section 41-09-41 of the North Dakota Century Code, relating to real estate descriptions in financing statements covering crops.

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

SB 2301: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to the confidentiality of and the privilege governing medical peer review records; to amend and reenact sections 31-08-01 and 43-17.1-05.1, and subsection 1 of section 43-17.1-06 of the North Dakota Century Code, relating to records and proceedings of medical review committees and reports to the commission on medical competency; to repeal section 23-01-02.1 of the North Dakota Century Code, relating to medical peer review confidentiality and privilege; to provide for retroactive application; and to declare an emergency.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2302: A BILL for an Act to amend and reenact section 16.1-07-05 of the North Dakota Century Code, relating to applying for an absentee ballot.

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

SB 2308: A BILL for an Act relating to the pricing of drugs by manufacturers and sellers; and to provide a penalty.

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

SB 2310: A BILL for an Act to amend and reenact section 26.1-06.1-41 of the North Dakota Century Code, relating to priority of distributions in insurance company insolvencies.

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

SB 2315: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to proof of financial responsibility for persons engaged in aerial commercial chemical application; and to provide an effective date.

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

SB 2321: A BILL for an Act to amend and reenact section 12-48-03.3 of the North Dakota Century Code, relating to interest on the roughrider industries' operating fund; and to provide a continuing appropriation.

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

SB 2323: A BILL for an Act to amend and reenact section 35-13-02 and subsection 3 of section 41-09-46 of the North Dakota Century Code, relating to entering liens for repairman's liens in the central notice system.

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

SB 2324: A BILL for an Act to amend and reenact sections 35-30-01, 35-30-02, 35-31-01, and 35-31-02 of the North Dakota Century Code, relating to the filing of agricultural processor's liens and agricultural supplier's liens.

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

SB 2327: A BILL for an Act to amend and reenact subsection 9 of section 47-30.1-01 and section 47-30.1-14 of the North Dakota Century Code, relating to gift certificates and the definition of intangible property under the Uniform Unclaimed Property Act.

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

SB 2328: A BILL for an Act to amend and reenact subdivision e of subsection 4 of section 49-23-03 of the North Dakota Century Code and section 9 of chapter 455 of the 1995 Session Laws, relating to the effective date for the one-call excavation notice system.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2333: A BILL for an Act to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to obstructions on a county or township road right of way.

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

SB 2343: A BILL for an Act to amend and reenact subsection 18 of section 65-01-02 of the North Dakota Century Code, relating to the presumption that certain conditions are

related to a firefighter's or a law enforcement officer's work for purposes of workers' compensation coverage.

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

SB 2349: A BILL for an Act to amend and reenact subsection 7 of section 57-39.2-01 of the North Dakota Century Code, relating to sales and use tax treatment of delivery of property to a contractor for incorporation into real property in another state; and to provide an effective date.

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

SB 2351: A BILL for an Act to amend and reenact section 38-16-01.1 of the North Dakota Century Code, relating to gravel and sand surface mining operations and reclamation.

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

SB 2352: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-06, sections 39-06.1-08, and 39-12-03 of the North Dakota Century Code, relating to penalties for nonmoving violations and weight restriction violations for vehicles; and to provide a penalty.

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

SB 2353: A BILL for an Act to create and enact two new sections to chapter 57-40.6 and a new subsection to section 57-40.6-08 of the North Dakota Century Code, relating to a wireless 911 service fee, liability, and an emergency services communication system advisory committee for 911; and to amend and reenact sections 57-40.6-01, 57-40.6-05, and 57-40.6-06 of the North Dakota Century Code, relating to wireless 911 telephone service.

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

SB 2359: A BILL for an Act to amend and reenact section 14-03-09 of the North Dakota Century Code, relating to the persons who may solemnize a marriage.

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

SB 2366: A BILL for an Act to provide for deposit of certain oil extraction and oil and gas gross production tax excess revenues into a permanent oil tax trust fund and deposit of interest earned on the fund to the general fund; and to declare an emergency.

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

SB 2368: A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-12, 16.1-03-14, and 16.1-11-30 of the North Dakota Century Code, relating to political party organization; and to repeal sections 16.1-03-04, 16.1-03-06, 16.1-03-09, 16.1-03-10, 16.1-03-13, 16.1-03-16, and 16.1-03-18, relating to political party organization.

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

SB 2371: A BILL for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption for initial production from wells on tribal trust lands; and to provide an effective date.

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

SB 2379: A BILL for an Act to amend and reenact sections 18-12-04, 40-28-03, 43-19.1-28, and 61-35-102 of the North Dakota Century Code, relating to construction supervision by engineers.

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

SB 2380: A BILL for an Act to create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages in civil actions for accidents involving a motor vehicle operated by a person while under the influence of alcohol or a controlled substance.

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

SB 2383: A BILL for an Act to create and enact a new subsection to section 65-07-03 of the North Dakota Century Code, relating to the determination of weekly wage for workers' compensation premium purposes.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2384: A BILL for an Act to amend and reenact sections 40-47-01.1 and 40-48-18 of the North Dakota Century Code, relating to extraterritorial zoning and subdivision regulation authority of cities.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2390: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to inclusion of a spouse's income in determining child support.

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

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

ROY GILBREATH, Chief Clerk