

**JOURNAL OF THE HOUSE**

**Fifty-seventh Legislative Assembly**

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**Bismarck, April 13, 2001**

The House convened at 8:15 a.m., with Speaker Bernstein and Acting Speaker Wald presiding.

The prayer was offered by Rep. Eliot Glassheim, District 18, Grand Forks.

The roll was called and all members were present except Representatives Cleary, Herbel, Nelson, and Thorpe.

A quorum was declared by the Speaker.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BYERLY MOVED** that the conference committee report on SB 2001 as printed on HJ pages 1066-1067 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DELZER MOVED** that the conference committee report on SB 2007 be adopted, which motion prevailed on a voice vote.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4050:** A concurrent resolution urging Congress to direct the Secretary of Agriculture and the federal Risk Management Agency to establish a pricing policy so crop revenue coverage for durum can be continued.

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

SCR 4050 passed on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4051:** A concurrent resolution urging Congress to take any and all measures necessary to guard against the spread of all livestock diseases, including foot and mouth disease and bovine spongiform encephalopathy, and to encourage aggressive efforts on the part of other countries with a view to eradicating these diseases with all possible celerity.

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

SCR 4051 passed on a voice vote.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1196, as reengrossed:** Your conference committee (Sens. Fischer, Solberg, Polovitz and Reps. Devlin, Delzer, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1329-1334, adopt further amendments as follows, and place HB 1196 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1329-1334 of the House Journal and pages 1177-1182 of the Senate Journal and that Reengrossed House Bill No. 1196 be amended as follows:

Page 1, line 1, after "Act" insert "to provide for a long-term care nursing scholarship and loan repayment grant program;" and remove "and a new chapter"

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

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

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

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

Page 1, line 11, remove the second "to provide an"

Page 1, line 12, remove "expiration date;"

Page 4, replace lines 4 through 31 with:

**"SECTION 8.** Long-term care nursing scholarship and loan repayment grant program.

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

**SECTION 9. AMENDMENT.** Section 23-09.3-01.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09.3-01.1. Moratorium on expansion of basic care bed capacity.**

1. Except when ~~existing beds are converted for use by~~ a nursing facility that converts licensed nursing facility bed capacity to basic care bed capacity or the alzheimer's and related dementia ~~population under the pilot projects provided for in~~ established under section 50-06-14.4 requests licensure of the facility's existing beds as basic care bed capacity, or unless the applicant demonstrates to the department and to the department of human services that a need for additional basic care bed capacity exists, the department may not issue a license under this chapter for any additional bed capacity above the state's gross licensed capacity of one thousand four hundred seventy-one beds, adjusted by any reduction in beds before July 31, ~~4999~~2001, during the period between August 1, ~~4999~~2001, and July 31, ~~2004~~ 2003.
2. Transfers of existing beds from one municipality to another municipality must be approved if the licensing requirements are met, during the period August 1, ~~4999~~2001, to July 31, ~~2004~~ 2003, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Existing licensed beds released by a facility ~~which are not immediately~~ and transferred to another facility ~~may not be banked for future transfer to another facility~~ must become licensed within twenty-four months of transfer.
3. Transfer of existing beds from one municipality to a tribal reservation during the period August 1, 2001, to July 31, 2003, may occur only to the extent that the facility transferring beds reduces the facility's licensed capacity by an amount equal to twice the number of beds transferred. A tribal facility

may seek to participate, within twenty-four months of any transfer of beds, in the basic care assistance program. Basic care assistance payments may only be made to a tribal facility that agrees to participate and adhere to all federal and state requirements of the basic care assistance program including participation, screening, ratesetting, and licensing requirements.

4. Not more than once in a twelve-month period, a nursing facility may convert licensed nursing facility bed capacity to basic care bed capacity or may convert basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to licensed nursing facility bed capacity. At least ninety days before the conversion, the facility shall notify the state department of the facility's intent to convert bed capacity. The converted beds must be located in the same block of rooms within the facility.

**SECTION 10. AMENDMENT.** Section 23-16-01.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-16-01.1. Moratorium on expansion of long-term care bed capacity.**

1. Notwithstanding sections 23-16-06 and 23-16-10, 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 or when a nursing facility converts basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to nursing facility bed capacity, the state department of health may not issue a license for any additional bed capacity above the state's gross licensed capacity of seven thousand one hundred forty beds, adjusted by any reduction in beds before July 31, ~~1999~~ 2001, during the period between August 1, ~~1999~~ 2001, and July 31, ~~2004~~ 2003.
2. Transfers of existing beds from one municipality to another municipality must be approved if the department of health licensing requirements are met, during the period August 1, ~~1999~~ 2001, to July 31, ~~2004~~ 2003, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Existing licensed beds released by a facility ~~which are not immediately~~ and transferred to another facility ~~may not be banked for future transfer to another facility~~ must become licensed within twenty-four months of transfer.
3. Transfer of existing beds from one municipality to a tribal reservation during the period August 1, 2001, to July 31, 2003, may occur only to the extent that the facility transferring beds reduces the facility's licensed capacity by an amount equal to twice the number of beds transferred. A tribal facility may seek to participate, within twenty-four months of any transfer of beds, in the medical assistance program. Medical assistance payments may only be made to a medicaid-certified tribal facility that agrees to participate and adhere to all federal and state requirements of the medical assistance program including participation, screening, ratesetting, and licensing requirements.
4. Not more than once in a twelve-month period, a nursing facility may convert licensed nursing facility bed capacity to basic care bed capacity or may convert basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to licensed nursing facility bed capacity. At least ninety days before the conversion, the facility shall notify the state department of health of the facility's intent to convert bed capacity. The converted beds must be located in the same block of rooms within the facility."

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 18

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

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

Page 8, overstrike lines 22 through 30

Page 9, overstrike lines 1 through 12

Page 9, line 13, remove "2."

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

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

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

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

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

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

Page 14, line 16, replace "\$8,899,774" with "\$12,000,000"

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

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

Page 14, line 26, replace "\$10,000" with "\$15,000 per bed to a nursing facility that reduces all of its licensed bed capacity, up to \$12,000"

Page 14, line 27, after "to" insert "a", replace "facilities" with "facility", and replace "reduce" with "reduces its"

Page 14, line 28, replace "\$2,500" with "\$8,000", after the second "to" insert "a", replace "facilities" with "facility", and replace "reduce" with "reduces its"

Page 14, line 29, after the period insert "An incentive may not be paid for nursing facility bed capacity that is temporarily converted to basic care bed capacity. The department shall establish rules that allow nursing facilities to make offers to reduce licensed nursing facility bed capacity on a quarterly basis beginning July 1, 2001. To be eligible for an incentive, a nursing facility's offer to reduce bed capacity must be received by the department of human services by the first day of the quarter for which incentives will be approved. Within thirty days of the beginning of the quarter, the department shall inform the facility making an offer of the department's approval or disapproval of the offer. The department shall give priority for incentives to a facility that offers to reduce the entire licensed bed capacity. If offers for reducing bed capacity exceed the department's allocation of funds for incentives for the quarter, a facility that does not have its offer approved may submit the offer for consideration in a subsequent quarter."

Page 15, line 7, after the period insert "A nursing facility may not use any moneys received under this section for the purpose of providing the facility's matching share for a long-term care nursing scholarship and loan repayment grant."

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

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

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

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

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

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

Page 16, line 11, after the period insert "The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

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

Page 16, line 16, replace "biennium" with "period", replace "July 1, 2001," with "with the effective date of this Act", and replace "June 30" with "January 1"

Page 16, remove lines 17 through 19

Page 16, line 20, replace "NURSING" with "LONG-TERM CARE NURSING SCHOLARSHIP AND LOAN REPAYMENT GRANT PROGRAM"

Page 16, remove line 21

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

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

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

Page 16, line 25, replace "nursing facility nurses student loan" with "long-term care nursing scholarship and loan repayment program grants"

Page 16, line 26, remove "payments" and remove "The state"

Page 16, remove lines 27 through 30

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

Page 19, remove lines 1 and 2

Page 19, line 3, replace "34" with "30, 33", replace "40" with "39", and replace "41" with "40"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1196 - Summary of Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
<b>State Department of Health</b>						
Total all funds	\$0	\$200,000	\$289,500	\$489,500	\$489,500	\$0
Less estimated income		<u>200,000</u>	<u>289,500</u>	<u>489,500</u>	<u>489,500</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Department of Human Services - Management</b>						
Total all funds	\$0	\$8,055,347	\$0	\$8,055,347	\$8,055,347	\$0
Less estimated income		<u>8,055,347</u>		<u>8,055,347</u>	<u>8,055,347</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Department of Human Services - Economic Assistance</b>						
Total all funds	\$0	\$84,721,181	\$3,129,826	\$87,851,007	\$90,462,530	(\$2,611,523)
Less estimated income		<u>73,071,181</u>	<u>3,129,826</u>	<u>76,201,007</u>	<u>78,812,530</u>	<u>(2,611,523)</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000	\$11,650,000	\$0
<b>Department of Human Services - Program and Policy</b>						
Total all funds	\$0	\$7,148,302	\$100,000	\$7,248,302	\$7,248,302	\$0
Less estimated income		<u>7,148,302</u>	<u>100,000</u>	<u>7,248,302</u>	<u>7,248,302</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Bill Total</b>						
Total all funds	\$0	\$100,124,830	\$3,519,326	\$103,644,156	\$106,255,679	(\$2,611,523)
Less estimated income		<u>88,474,830</u>	<u>3,519,326</u>	<u>91,994,156</u>	<u>94,605,679</u>	<u>(2,611,523)</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000	\$11,650,000	\$0

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

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

**Dept. 301 - State Department of Health - Detail of Conference Committee Changes**

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

<sup>1</sup> The nursing facility nurses student loan payment program is changed to the long-term care nursing scholarship and loan repayment program. The program is changed from the state paying an eligible nursing facility nurse's student loan payment directly to the financial institution as proposed by the House to providing a grant of up to \$5,500 to an eligible nursing facility during the first year of the biennium for the facility to use for providing scholarships to nursing staff or others to obtain a nursing education or for assisting nurses employed by the facility to repay their nursing student loans. Each nursing facility must provide an equal amount as matching. If appropriation authority remains available for the second year of the biennium, the State Health Council may provide additional matching grants to nursing facilities for the same purpose. (Section 8)

This amendment provides a \$489,500 appropriation from the health care trust fund for this program, the same as the Senate version, rather than transferring \$1,000,000 from the health care trust fund to a nursing facility nurses student loan payment fund and providing a \$200,000 appropriation from that fund as included in the House version. (Section 31)

**House Bill No. 1196 - Department of Human Services - Management - Conference Committee Action**

The Conference Committee did not change the House and Senate version for funding for the Health Insurance Portability and Accountability Act and other technology-related projects. (Section 33)

**House Bill No. 1196 - Department of Human Services - Economic Assistance - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Government nursing facility funding pool payments		\$38,750,000		\$38,750,000	\$38,750,000	
Intergovernmental transfer administration		71,158		71,158	71,158	
Nursing facility grants		100,226		100,226	100,226	
Nursing facility loans		8,899,774	\$3,100,226	12,000,000	13,000,000	(1,000,000)
Long-term care needs assessment		241,006		241,006	241,006	
Nursing home bed reduction incentive		4,100,000	(100,000)	4,000,000	4,000,000	
Nursing facility employee compensation		27,296,847		27,296,847	27,296,847	
Basic care employee compensation		673,600		673,600	673,600	
Nursing facility rate limit increase		2,272,820		2,272,820	3,884,343	(1,611,523)
Nursing facility personal care allowance		888,000	129,600	1,017,600	1,017,600	
Basic care personal care allowance		180,000		180,000	180,000	
Qualified service provider training grants		140,000		140,000	140,000	
Targeted case management		<u>1,107,750</u>		<u>1,107,750</u>	<u>1,107,750</u>	
Total all funds	\$0	\$84,721,181	\$3,129,826	\$87,851,007	\$90,462,530	(\$2,611,523)
Less estimated income		<u>73,071,181</u>	<u>3,129,826</u>	<u>76,201,007</u>	<u>78,812,530</u>	<u>(2,611,523)</u>
General fund	\$0	\$11,650,000	\$0	\$11,650,000	\$11,650,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Dept. 327 - Department of Human Services - Economic Assistance - Detail of Conference Committee Changes**

	INCREASE LOAN FUNDING <sup>1</sup>	REDUCE BED REDUCTION INCENTIVE FUNDING <sup>2</sup>	ALLOWANCE INCREASE FOR ICF/MR <sup>3</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Government nursing facility funding pool payments				
Intergovernmental transfer administration				
Nursing facility grants				
Nursing facility loans	\$3,100,226			\$3,100,226
Long-term care needs assessment				
Nursing home bed reduction incentive		(\$100,000)		(100,000)
Nursing facility employee compensation				
Basic care employee				

compensation				
Nursing facility rate limit increase				
Nursing facility personal care allowance			\$129,600	129,600
Basic care personal care allowance				
Qualified service provider training grants				
Targeted case management				
Total all funds	\$3,100,226	(\$100,000)	\$129,600	\$3,129,826
Less estimated income	<u>3,100,226</u>	<u>(100,000)</u>	<u>129,600</u>	<u>3,129,826</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> The funding provided for loans is increased to \$12,000,000 from the health care trust fund, \$3,100,226 more than the House version and \$1,000,000 less than the Senate version. (Section 22)

<sup>2</sup> Funding for the nursing home bed reduction incentive program is reduced by \$100,000 from the health care trust fund, the same as the Senate version. (Section 23)

The maximum incentive payment a facility may receive for each bed reduced is:

- \$15,000 per bed if a facility eliminates its entire licensed bed capacity.
- \$12,000 per bed if a facility reduces at least eight beds.
- \$8,000 per bed if a facility reduces fewer than eight beds.

Under the Senate version, the maximum incentive allowed was \$15,000 per bed. Under the House version, a facility reducing at least eight beds would have received an incentive of \$10,000 per bed, and a facility reducing fewer than eight beds would have received an incentive of \$2,500 per bed.

Provisions are added providing that the department:

- May not pay an incentive to a nursing facility that is temporarily converting nursing facility bed capacity to basic care bed capacity.
- Shall allow for nursing facilities to make offers to reduce bed capacity each quarter.
- Shall give priority for incentives to facilities that reduce their entire licensed bed capacity.
- Shall inform a nursing facility within thirty days of the beginning of each quarter regarding the department's approval or disapproval of the facility's offer to reduce beds.

Provisions are added providing that:

- To be eligible for an incentive in a particular quarter, a nursing facility's bid to reduce bed capacity must be received by the Department of Human Services by the first day of the quarter for which the incentives will be approved.
- A nursing facility may resubmit a bid that was not approved in one quarter in a subsequent quarter.

<sup>3</sup> Additional funding of \$43,200 is provided from the health care trust fund and \$86,400 of federal funds is provided to increase the personal care allowance for individuals residing in intermediate care facilities for the mentally retarded from \$40 to \$50 per month, the same as the Senate version. (Section 27)

Provisions are added that:

- Preclude nursing facilities from using moneys received for compensation enhancements (Section 24) for matching long-term care nursing scholarship and loan repayment grants. (Section 8)
- Remove the definition of "assisted living facility" from NDCC Chapter 50-30. (Section 12)
- Expand the long-term care needs assessment study to include the nursing facility payment system and allow the study to begin prior to the 2001-03 biennium. (Section 30)

Sections 9 and 10 of the bill relating to the moratoriums on the expansion of long-term care and basic care bed capacity are changed to reflect the provisions of Senate Bill No. 2098 which has passed both the House and Senate.

Funding is included to rebase nursing facility limits to 1999, the same as the House version. (Section 26) The Senate had added \$1,611,523, which included \$483,457 from the health care trust fund to rebase to 2000.

**House Bill No. 1196 - Department of Human Services - Program and Policy - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Service payments for elderly		\$6,898,302		\$6,898,302	\$6,898,302	

and disabled Senior citizen mill levy match Independent living center grants		150,000 100,000	\$100,000	250,000 100,000	250,000 100,000	
Total all funds	\$0	\$7,148,302	\$100,000	\$7,248,302	\$7,248,302	\$0
Less estimated income		<u>7,148,302</u>	<u>100,000</u>	<u>7,248,302</u>	<u>7,248,302</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Dept. 328 - Department of Human Services - Program and Policy - Detail of Conference Committee Changes**

	INCREASE SENIOR MILL MATCH FUNDING <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Service payments for elderly and disabled Senior citizen mill levy match Independent living center grants	\$100,000	\$100,000
Total all funds	\$100,000	\$100,000
Less estimated income	<u>100,000</u>	<u>100,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> Funding for the senior citizen mill levy match is increased by \$100,000, the same as the Senate version. (Section 35)

Reengrossed HB 1196 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEVLIN MOVED** that the conference committee report on Reengrossed HB 1196 as printed on HJ pages 1329-1334 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1196, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1196:** A BILL for an Act to provide for a long-term care nursing scholarship and loan repayment grant program; to create and enact a new subsection to section 21-10-06 of the North Dakota Century Code, relating to funds under the management of the state investment board; to amend and reenact sections 6-09.16-01, 6-09.16-02, 6-09.16-03, 6-09.16-04, 6-09.16-05, 6-09.16-06, 23-09.3-01.1, 23-16-01.1, 50-24.4-30, 50-30-01, 50-30-02, and 50-30-04 of the North Dakota Century Code, relating to the nursing facility alternative loan fund, the moratorium on the expansion of basic care bed capacity, the moratorium on the expansion of long-term care bed capacity, the government nursing facility funding pool, and nursing facility loans; to provide for a transfer from the nursing facility alternative grant fund; to provide a statement of legislative intent; to provide for a legislative council study; to provide an appropriation; to provide a continuing appropriation; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Cleary; Herbel; Thorpe

Reengrossed HB 1196 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**REP. R. KELSCH MOVED** that the House reconsider its action whereby Engrossed SB 2291 failed to pass, which motion prevailed on a verification vote.

**MOTION**

**REP. BELTER MOVED** that SB 2291 be laid over one legislative day, which motion prevailed.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2104, SB 2106, SB 2220, SB 2419.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2023, SB 2041, and SB 2042 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2023:** Sens. Grindberg; Thane; Heitkamp

**SB 2041:** Sens. Flakoll; Wanzek; Christenson

**SB 2042:** Sens. Flakoll; Wanzek; Kelsh

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report subsequently passed, and the emergency clause carried: HB 1196.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee reports on SB 2001 and SB 2007.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SCR 4050, SCR 4051.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SCR 4052.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report subsequently passed, and the emergency clause carried: SB 2054.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: HB 1024, HB 1283, HB 1385, HB 1451, and HB 1468.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: SB 2008, SB 2449, and SB 2455.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee reports on SB 2427 and SB 2287.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1200:** Reps. Timm; Nicholas; Warner

**REPORT OF CONFERENCE COMMITTEE**

**HB 1099, as engrossed:** Your conference committee (Sens. Wardner, Krebsbach, C. Nelson and Reps. Grande, Skarphol, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 887, adopt further amendments as follows, and place HB 1099 on the Seventh order:

That the Senate recede from its amendments as printed on page 887 of the House Journal and page 759 of the Senate Journal and that Engrossed House Bill No. 1099 be amended as follows:

Page 5, line 29, after "of" insert "employee"

Page 5, line 30, after "claims" insert ", employee premium payments made, salary reduction amounts taken, history of any available insurance coverage purchased," and after "amounts" insert "and types of insurance"

Page 6, after line 9, insert:

"5. If involved in a dissolution proceeding, the member's spouse or former spouse, that person's legal representative, and the judge presiding over the member's dissolution proceeding."

Renumber accordingly

Engrossed HB 1099 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1141, as reengrossed:** Your conference committee (Sens. Cook, Flakoll, O'Connell and Reps. R. Kelsch, Haas, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1095-1097 and place HB 1141 on the Seventh order.

Reengrossed HB 1141 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2104, as engrossed:** Your conference committee (Sens. Wanzek, Erbele, Nichols and Reps. Pietsch, D. Johnson, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1100 and place SB 2104 on the Seventh order.

Engrossed SB 2104 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2106, as engrossed:** Your conference committee (Sens. Wanzek, Flakoll, Christenson and Reps. Brusegaard, D. Johnson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1028-1029, adopt amendments as follows, and place SB 2106 on the Seventh order:

That the House recede from its amendments as printed on pages 1028 and 1029 of the Senate Journal and pages 1104 and 1105 of the House Journal and that Engrossed Senate Bill No. 2106 be amended as follows:

Page 2, line 19, after the second period insert:

"1."

Page 2, line 24, after the period insert:

"2."

Page 2, line 25, after the period insert:

"3. a."

Page 3, line 2, replace "For purposes of this section" with:

"b. For purposes of this subsection"

Page 3, line 3, after "school" insert "district"

Page 3, after line 4, insert:

"c. If the members of the board of a school district believe that another school district has violated this subsection, the board may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board

of public school education. A decision by the state board of public school education is final."

Page 5, line 6, after the period insert "a."

Page 5, line 7, overstrike "or indirectly"

Page 5, after line 10, insert:

- "b. For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.
  
- c. If the members of the board of a school district believe that another school district has violated this subsection, the board may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Renumber accordingly

Engrossed SB 2106 was placed on the Seventh order of business on the calendar.

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

**SB 2220, as engrossed:** Your conference committee (Sens. Lyson, Cook, Christenson and Reps. Koppelman, Delzer, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 967, adopt amendments as follows, and place SB 2220 on the Seventh order:

That the House recede from its amendments as printed on page 967 of the Senate Journal and page 1053 of the House Journal and that Engrossed Senate Bill No. 2220 be amended as follows:

Page 1, line 16, replace "fifty" with "twenty-nine" and remove "for officer time"

Renumber accordingly

Engrossed SB 2220 was placed on the Seventh order of business on the calendar.

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

**SB 2419:** Your conference committee (Sens. Urlacher, Erbele, Kroeplin and Reps. Brandenburg, Pietsch, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 970, adopt amendments as follows, and place SB 2419 on the Seventh order:

That the House recede from its amendments as printed on page 970 of the Senate Journal and pages 1011 and 1012 of the House Journal and that Senate Bill No. 2419 be amended as follows:

Page 1, line 1, replace "provide for a legislative council study; and to repeal" with "amend and reenact"

Page 1, line 3, after "applicators" insert "; and to provide for a legislative council study"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 4-35-09.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

#### **4-35-09.1. Proof of financial responsibility - Exceptions.**

1. A commercial pesticide applicator certificate may not be issued or renewed unless the applicant furnishes proof of financial responsibility as provided in this section. A commercial pesticide applicator shall furnish proof of financial responsibility on demand to the agriculture commissioner as provided in this section. Minimum financial responsibility must be ~~demonstrated annually~~ maintained in the amount of one hundred thousand dollars, and may be demonstrated by a notarized letter from an officer of a financial institution or from a certified public accountant attesting to the existence of net assets equal to at least one hundred thousand dollars, a performance bond, or a general liability insurance policy. The performance bond or insurance policy must contain a provision requiring the issuing company to notify the agriculture commissioner at least ten days before the effective date of cancellation, termination, or other modification of the bond or insurance policy. The agriculture commissioner ~~must~~ shall immediately ~~request the suspension of~~ suspend the certification of a person who fails to maintain the minimum financial responsibility standards of this section. If there is any recovery against the certificate holder, the holder ~~must~~ shall demonstrate continued compliance with the minimum standards of this section. An employee of a commercial pesticide application business is not required to meet these standards separately if the business documents compliance with the minimum financial responsibility standards of this section. An application for reinstatement of a suspended certificate under this section must be accompanied by proof of satisfaction of any judgment previously rendered.
  
2. This section does not apply to:
  - a. A rancher who is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease.
  - b. A grazing association and its members if either the association or any member is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease.
  - c. A person required to be certified in the right-of-way category.
  - d. An applicator who holds a commercial pesticide certificate and is controlling noxious weeds on grassland, land producing tame hay, or other lands not devoted to the production of an annual crop."

Page 1, remove lines 11 and 12

Renumber accordingly

SB 2419 was placed on the Seventh order of business on the calendar.

#### MOTION

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

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, April 16, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**