

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, April 17, 2001

The House convened at 8:30 a.m., with Speaker Bernstein presiding.

The prayer was offered by Rep. Tom Brusegaard, District 19, Grand Forks.

The roll was called and all members were present except Representatives Fairfield, Glassheim, and B. Thoreson.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Sixty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1457, line 37, after the first semicolon insert "and" and replace "; and to" with a period

Page 1457, remove line 38

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 13, 2001, I have signed the following: HB 1008, HB 1010, HB 1019, HB 1026, HB 1109, HB 1160, HB 1162, HB 1202, HB 1208, HB 1249, HB 1349, HB 1400, and HB 1472.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2041: Reps. R. Kelsch, Skarphol, Grumbo.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2042: Reps. R. Kelsch, Skarphol, Grumbo.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1001, as engrossed:** Your conference committee (Sens. Kringstad, Schobinger, Tallackson and Reps. Carlisle, B. Thoreson, Glassheim) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1165-1166 and place HB 1001 on the Seventh order.

Engrossed HB 1001 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. CARLISLE MOVED** that the conference committee report on HB 1001 be adopted, which motion prevailed on a voice vote.

HB 1001, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

**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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo;

Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; 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, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield; Glassheim; Thoreson, B.

Engrossed HB 1001 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1441, as reengrossed:** Your conference committee (Sens. Lee, Solberg, T. Mathern and Reps. Price, Kliniske, Niemeier) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1257-1258, adopt further amendments as follows, and place HB 1441 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1257 and 1258 of the House Journal and pages 1106 and 1107 of the Senate Journal and that Reengrossed House Bill No. 1441 be amended as follows:

Page 1, line 1, after "50-24.1-02.6" insert "and a new section to chapter 50-29"

Page 1, line 2, remove the semicolon and remove "to amend and reenact"

Page 1, line 3, remove "section 50-29-03 of the North Dakota Century Code, relating to"

Page 1, line 4, after "program" insert "; to provide for a legislative council study; to provide for a continuing appropriation; to require maximizations of federal reimbursement; to provide for an effective date; and to provide for an expiration date"

Page 1, remove the underscore under lines 8 through 10

Page 1, replace lines 11 through 17 with:

**"SECTION 2.** A new section to chapter 50-29 of the North Dakota Century Code is created and enacted as follows:

**Grants - Gifts - Donations - Continuing appropriation.** The department may accept any gift, grant, or donation, whether conditional or unconditional, for the purpose of providing funds for the children's health insurance program. The department may contract with public or private entities and may expend any moneys available to the department to obtain matching funds for the purposes of this chapter. The department shall seek grants from the academy for health research and health policy state coverage initiative and from any other entity that may award such grants. All moneys received as a gift, grant, or donation under this section are appropriated as a standing and continuing appropriation to the department for the purpose of providing funds for the children's health insurance program.

**SECTION 3. LEGISLATIVE COUNCIL STUDY.** During the 2001-02 interim, the legislative council shall consider studying the coordination of the medical assistance and the children's health insurance programs, including the development of a single application form for both programs, whether the children's health insurance program should be administered by the state or the counties, the effects of eliminating the asset eligibility requirement for the medical assistance program, the standardization of the definition of "income" for all programs administered by the department of human services, and the feasibility and desirability of seeking a federal waiver to allow the children's health insurance program plan to provide coverage for a family through an employer-based insurance policy if an employer-based insurance policy is more cost-effective than the traditional plan coverage for the children. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

**SECTION 4. FEDERAL REIMBURSEMENT.** The department of human services shall seek an amendment to its state plan to maximize federal reimbursement through the program to provide health assistance to low-income children funded

through title XXI of the federal Social Security Act, for the removal of the asset test for the medical assistance program.

**SECTION 5. EFFECTIVE DATE - EXPIRATION DATE.** Section 1 of this Act becomes effective upon certification by the department of human services to the governor and the legislative council that the state plan amendments to the children's health insurance program have received federal approval. In no case, however, may section 1 of this Act become effective before January 1, 2002. If section 1 of this Act becomes effective, the section is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

Reengrossed HB 1441 was placed on the Seventh order of business on the calendar.

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

**REP. PRICE MOVED** that the conference committee report on HB 1441 be adopted, which motion prevailed on a verification vote.

HB 1441, as amended, was placed on the Eleventh order.

#### **SECOND READING OF HOUSE BILL**

**HB 1441:** A BILL for an Act to create and enact a new subsection to section 50-24.1-02.6 and a new section to chapter 50-29 of the North Dakota Century Code, relating to medical assistance benefits and the children's health insurance program; to provide for a legislative council study; to provide for a continuing appropriation; to require maximizations of federal reimbursement; to provide for an effective date; and to provide for 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, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Boucher; Delmore; Ekstrom; Gulleson; Hunskor; Kelsh, S.; Kerzman; Lemieux; Solberg; Winrich

**ABSENT AND NOT VOTING:** Fairfield; Glassheim; Thoreson, B.

Reengrossed HB 1441 passed and the title was agreed to.

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#### **MOTION**

**REP. MONSON MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

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

#### **SPECIAL ORDER OF BUSINESS**

**SPEAKER BERNSTEIN** requested that Rep. DeKrey escort Adjutant General Michael J. Haugen to the rostrum for the purposes of a presentation.

**SPEAKER BERNSTEIN** requested that Rep. Metcalf escort Rep. Mike Brandenburg to the rostrum for the purposes of a presentation.

Adjutant General Michael J. Haugen presented Rep. Mike Brandenburg with a certificate of retirement from the North Dakota National Guard and a United States Flag in recognition of twenty two years of service.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2285, as engrossed:** Your conference committee (Sens. Fischer, Traynor, Every and Reps. Nelson, DeKrey, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1235, adopt amendments as follows, and place SB 2285 on the Seventh order:

That the House recede from its amendments as printed on page 1235 of the Senate Journal and page 1363 of the House Journal and that Engrossed Senate Bill No. 2285 be amended as follows:

Page 1, line 3, remove "and"

Page 1, line 4, after "appropriation" insert "; and to provide an effective date"

Page 1, line 12, after the period insert "The state water commission is authorized five additional full-time equivalent positions to implement this Act."

**SECTION 3. EFFECTIVE DATE.** This Act becomes effective on the date the state engineer certifies to the governor that a program has been designed to effectively assume responsibility for the section 404 program of the Clean Water Act and the state water commission is ready to assume those responsibilities. The governor shall notify the secretary of state and the legislative council of the effective date of this Act."

Renumber accordingly

Engrossed SB 2285 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. NELSON MOVED** that the conference committee report on Engrossed SB 2285 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2285, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2285:** A BILL for an Act to repeal section 12 of chapter 594 of the 1993 Session Laws, as amended by section 1 of chapter 589 of the 1995 Session Laws, relating to the effective date of the assumption of the section 404 program of the Clean Water Act by the state; to provide an appropriation; 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 82 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hawken; Herbel; Huether; Hunskor; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Rennerfeldt; Ruby; Schmidt; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Wentz; Wikenheiser; Speaker Bernstein

**NAYS:** Byerly; Delzer; Devlin; Glassheim; Hanson; Jensen; Keiser; Porter; Sandvig; Severson; Weiler; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Kempenich; Renner; Weisz

Engrossed SB 2285 passed and the title was agreed to.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2013, SB 2104, SB 2106, SB 2220, SB 2244, SB 2308, SB 2419.

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

**MR. SPEAKER:** The President has signed: HB 1023, HB 1142, HB 1416, HB 1442, HB 1455.

**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 2086, SB 2124.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report SB 2012 and the President has appointed as a new conference committee to act with a like committee from the House on:

**SB 2012:** Sens. Nething; Kringstad; Tallackson

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1001.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2354 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2354:** Sens. Kilzer; Erbele; T. Mathern

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2032 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2032:** Sens. Mutch; Tollefson; Every

**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 2285.

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

**MR. SPEAKER:** The Senate has adopted the conference committee reports on HB 1025, HB 1141, and HB 1283.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1099.

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

**MR. PRESIDENT:** The House has dissolved the Conference Committee and laid on the table: HB 1435.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1001, HB 1441.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2285.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 17, 2001: HB 1023, HB 1142, HB 1416, HB 1442, HB 1455.

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

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

**SB 2041:** Reps. R. Kelsch; Skarphol; Grumbo

**SB 2042:** Reps. R. Kelsch; Skarphol; Grumbo

**REPORT OF CONFERENCE COMMITTEE**

**SB 2086, as engrossed:** Your conference committee (Sens. Freborg, Cook, O'Connell and Reps. Drovdal, Grosz, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 833, adopt amendments as follows, and place SB 2086 on the Seventh order:

That the House recede from its amendments as printed on page 833 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2086 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-15-17.1 of the North Dakota Century Code, relating to multiyear asbestos abatement and lead paint removal.

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

**SECTION 1. AMENDMENT.** Section 57-15-17.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-17.1.** School board levies - ~~Multiyear asbestos abatement, required - Lead paint removal - Required remodeling, and alternative-~~ Alternative education program levy by school district programs.

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of:
  - a. Providing funds for the removal of ~~asbestos~~ lead paint substances from school buildings or the abatement of ~~asbestos~~ lead paint substances in school buildings under any other method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from removal or abatement of asbestos substances;
  - b. Any remodeling required to meet specifications set by the Americans with Disabilities Act accessibility guidelines for buildings and facilities as contained in the appendix to 28 CFR 36;
  - c. Any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school; and
  - d. Providing alternative education programs.
2. All revenue accruing from the levy under this section, except revenue deposited as allowed by subsections 3 and 4, must be placed in a separate fund known as the ~~asbestos and lead paint~~ asbestos and lead paint abatement fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of ~~asbestos~~ lead paint abatement.
3. All revenue accruing from up to five mills of the fifteen mill levy under this section must be placed in a separate fund known as the required remodeling fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of required remodeling, as set forth in subsection 1.
4. All revenue accruing from up to ten mills of the fifteen-mill levy under this section may be placed in a separate fund known as the alternative education program fund. Disbursement may be made from the fund for the purpose of providing an alternative education program but may not be used to construct or remodel facilities used to accommodate an alternative education program.
5. Any moneys remaining in the ~~asbestos and lead paint~~ asbestos and lead paint abatement fund after completion of the principal and interest payments for any bonds issued for any school ~~asbestos~~ or lead paint abatement project, any funds remaining in the required remodeling fund after completion of the remodeling projects, and any funds remaining in the alternative education program fund at the termination of the program must be transferred to the general fund of the school district upon the order of the school board."

Renumber accordingly

Engrossed SB 2086 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2124, as engrossed:** Your conference committee (Sens. Erbele, Lee, Polovitz and Reps. Porter, Galvin, Niemeier) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1070-1071, adopt amendments as follows, and place SB 2124 on the Seventh order:

That the House recede from its amendments as printed on pages 1070 and 1071 of the Senate Journal and pages 1151 and 1152 of the House Journal and that Engrossed Senate Bill No. 2124 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "23-25-03" insert ", and a new subsection to section 23-25-05"

Page 1, line 3, remove "and subsection 1 of"

Page 1, line 4, remove "section 23-25-05"

Page 2, line 21, after the period insert "The annual, renewal, and examination fees for lead-based contractors and workers may not exceed those charged to asbestos contractors and workers."

Page 3, line 1, replace "**AMENDMENT.** Subsection 1 of" with "A new subsection to"

Page 3, line 2, replace "amended and reenacted" with "created and enacted"

Page 3, replace lines 3 through 9 with:

"For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status."

Page 3, line 10, remove "out of any moneys in the"

Page 3, remove line 11

Page 3, line 12, remove "of the sum as may be necessary, and"

Renumber accordingly

Engrossed SB 2124 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1009, as engrossed:** Your conference committee (Sens. Solberg, Tomac, Bowman and Reps. Skarphol, B. Thoreson, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1291-1292, adopt further amendments as follows, and place HB 1009 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1291 and 1292 of the House Journal and pages 1129 and 1130 of the Senate Journal and that Engrossed House Bill No. 1009 be amended as follows:

Page 1, line 3, after "Code" insert "and to amend and reenact the new section to chapter 4-35 of the North Dakota Century Code as created by section 3 of House Bill No. 1328, as approved by the fifty-seventh legislative assembly"

Page 1, line 4, after the first comma insert "the membership of the crop protection product harmonization and registration board,"

Page 1, line 14, replace "1,361,357" with "1,338,864"

Page 2, line 2, replace "11,192,073" with "11,169,580"

Page 2, line 4, replace "4,393,889" with "4,371,396"

Page 2, after line 11, insert:

**"SECTION 3. AMENDMENT.** The new section to chapter 4-35 of the North Dakota Century Code as created by section 3 of House Bill No. 1328, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

**Crop protection product harmonization and registration board - Duties - Grants.**

1. The crop protection product harmonization and registration board consists of:
  - a. ~~the~~ The governor or the governor's designee; ;
  - b. ~~the~~ The agriculture commissioner; ~~or the commissioner's designee;~~
  - c. ~~the~~ The chairman of the house agriculture committee; or the chairman's designee;
  - d. ~~the~~ The chairman of the senate agriculture committee; ~~one crop protection product manufacturing industry representative appointed by the chairman of the legislative council, and two consumers or the chairman's designee;~~
  - e. A member of the house or senate agriculture committee who is not a member of the faction in which the committee chairman is a member, appointed by the legislative council chairman;
  - f. A crop protection product dealer in the state appointed by the governor from a list of three nominees submitted by the North Dakota agricultural association;
  - g. A consumer of crop protection products appointed by the governor from a list of three nominees submitted by the North Dakota grain growers association;
  - h. A consumer of crop protection products appointed by the governor from a list of three nominees submitted by the North Dakota oilseed council;
  - i. A representative of the crop protection product manufacturing industry appointed by the chairman of the legislative council; and
  - j. The director of the North Dakota state university agricultural experiment station.
2. The representative of the crop protection product manufacturing industry and the director of the agricultural experiment station shall serve as nonvoting members. The governor or the governor's designee shall serve as chairman of the board.
3. The board shall:
  - a. Identify and prioritize crop protection product labeling needs;
  - b. Explore the extent of authority given to this state under the federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136a];
  - c. Identify the data necessary to enable registration of a use to occur in a timely manner;
  - d. Determine what research, if any, is necessary to fulfill data requirements for activities listed in this section;
  - e. Request the agriculture commissioner to pursue specific research funding options from public and private sources;

- f. Request the North Dakota state university agricultural experiment station to pursue specific research to coordinate registration efforts; and
- g. Pursue any opportunities to make more crop protection product options available to agricultural producers in this state through any means the board determines advisable.
- ~~2.~~ 4. The board may contract with a consultant to conduct studies or provide research or information regarding crop protection product registration and labeling needs.
- ~~3.~~ 5. The board may administer a grant program through which agriculture commodity groups ~~established under this title~~ may apply for funds to be used by the groups to address issues related to the registration of crop protection products. To be eligible for receipt of a grant, an applicant must submit an application to the board which requests a specific amount of funds, specifies the exact purposes for which the grant would be used, and provides a detailed timetable for the use of the grant funds. The board may impose any additional conditions it determines appropriate for grant recipients, including requiring periodic reports and furnishing of matching funds. The board may terminate funding of a previously approved grant at any time if the board is dissatisfied with the performance of the grant recipient.
4. 6. The board may use not more than fifteen percent of the funds under its supervision for administrative purposes, including the cost of contracting for administrative services and reimbursement of board member expenses. The members of the board who are members of the legislative assembly are entitled to compensation from the legislative council for attendance at board meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
5. 7. The board may adopt rules to implement this section."

Page 2, line 23, remove the overstrike over "~~(Effective through June 30,~~", after "**2001**" insert "2003", and remove the overstrike over "~~) Registration Fees:~~"

Page 2, remove the overstrike over lines 24 through 31

Page 3, remove the overstrike over lines 1 through 25

Page 3, line 26, remove the overstrike over "~~(Effective July 1,~~", after "**2001**" insert "2003", and remove the overstrike over the closing parenthesis

Page 4, line 1, remove "fifty"

Page 5, line 12, replace "select chemicals" with "rinsate"

Page 5, line 13, replace "an estimated \$100,000" with "enough revenues to cover the cost of disposal associated with the rinsate collected"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1009 - Department of Agriculture - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$3,519,782	\$3,513,495		\$3,513,495
Operating expenses	1,361,357	1,361,357	(\$22,493)	1,338,864
Equipment	30,400	30,400		30,400
Grants	161,700	161,700		161,700
Board of Animal Health	538,614	538,614		538,614
Ag mediation	1,075,808	1,075,808		1,075,808
Ag in the classroom	96,000	96,000		96,000
State meat inspection	711,964	631,750		631,750
Waterbank program	900,000	900,000		900,000
Pride of Dakota	157,050	157,050		157,050

Wildlife services	779,694	779,694		779,694
Safe Send	599,369	599,369		599,369
Noxious weeds	<u>1,346,836</u>	<u>1,346,836</u>		<u>1,346,836</u>
Total all funds	\$11,278,574	\$11,192,073	(\$22,493)	\$11,169,580
Less estimated income	<u>6,638,291</u>	<u>6,798,184</u>		<u>6,798,184</u>
General fund	\$4,640,283	\$4,393,889	(\$22,493)	\$4,371,396
FTE	55.50	55.50	0.00	55.50

**Dept. 602 - Department of Agriculture - Detail of Conference Committee Changes**

	REDUCE OPERATING 1	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		
Operating expenses	(\$22,493)	(\$22,493)
Equipment		
Grants		
Board of Animal Health		
Ag mediation		
Ag in the classroom		
State meat inspection		
Waterbank program		
Pride of Dakota		
Wildlife services		
Safe Send		
Noxious weeds		
Total all funds	(\$22,493)	(\$22,493)
Less estimated income		
General fund	(\$22,493)	(\$22,493)
FTE	0.00	0.00

<sup>1</sup> Adjustment to reflect increases in travel authorized in the executive recommendation. Reduces the \$72,493 increase in travel for administration to \$50,000.

The amendment extends the sunset clause on the \$350 pesticide product registration fee until June 30, 2003. The product registration fee will revert to \$300 for each product registered after June 30, 2003. The Conference Committee did not change the Senate language.

The Conference Committee changed the Senate requirement for fees for collection of select chemicals to fees for the collection of rinsate sufficient to cover the cost of disposal associated with the rinsate collected.

The Conference Committee added a section to amend a section created in House Bill No. 1328 relating to the membership of the Crop Protection Product Harmonization and Registration Board.

Engrossed HB 1009 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 and Twelfth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Wednesday, April 18, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**