

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, April 4, 2001

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

The prayer was offered by Sister Anna Rose Ruhland, Chaplain at St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Representatives Bellew, Fairfield, Froelich, and Ruby.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 3, 2001, I have signed the following: HB 1100, HB 1106, HB 1125, HB 1151, HB 1174, HB 1181, HB 1203, HB 1242, HB 1262, HB 1274, HB 1360, and HB 1427.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2034: Reps. Wrangham, Maragos, Delmore.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2039: Reps. Herbel, Clark, Winrich.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2166: Reps. L. Thoreson, Meier, Grumbo.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2204: Reps. D. Johnson, Renner, Onstad.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2308: Reps. Devlin, F. Klein, Cleary.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2389: Reps. Brandenburg, Kingsbury, Sandvig.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2427: Reps. Drovdal, Nelson, Winrich.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1007, and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1007: Reps. Koppelman, Skarphol, Huether.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1020 as printed on HJ pages 1164-1165 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1020: Reps. Martinson, Boehm, Gulleason.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1025, and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1025: Reps. Carlisle, Koppelman, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on HB 1386: Reps. Disrud, Froseth, Ekstrom.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do concur in the Senate amendments to HB 1008 as printed on HJ pages 1221-1222, which motion prevailed on a voice vote.

HB 1008, as amended, was placed on the Eleventh order of business.

**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; to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners; 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; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; 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; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Bellew; Fairfield; Froelich; Ruby

Engrossed HB 1008 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do concur in the Senate amendments to HB 1160 as printed on HJ page 1228, which motion prevailed on a voice vote.

HB 1160, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1160:** A BILL for an Act to amend and reenact subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to disposition of fees for concealed weapons licenses.

**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, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; 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; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Carlson; Delzer

**ABSENT AND NOT VOTING:** Bellew; Fairfield; Froelich; Ruby

Engrossed HB 1160 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. BERG MOVED** that the House do concur in the Senate amendments to HB 1162 as printed on HJ page 981, which motion prevailed on a voice vote.

HB 1162, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1162:** A BILL for an Act to amend and reenact section 65-05.2-02 of the North Dakota Century Code and section 6 of chapter 556 of the 1999 Session Laws, relating to payment of supplementary benefits for certain workers' compensation benefit recipients; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; 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; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Bellew; Fairfield; Froelich; Ruby

Engrossed HB 1162 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. PRICE MOVED** that the House do concur in the Senate amendments to HB 1202 as printed on HJ pages 1250-1256, which motion prevailed on a voice vote.

HB 1202, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1202:** A BILL for an Act to create and enact section 23-27-04.5 of the North Dakota Century Code, relating to the creation of a quick-response unit service pilot program; to amend and reenact sections 23-27-01, 23-27-02, 23-27-03, 23-27-04, 23-07-04.1, 23-27-04.2, 23-27-04.3, and 23-27-04.4 of the North Dakota Century Code, relating to licensure of emergency medical services operations; to provide an appropriation; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; 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; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Bellew; Fairfield; Froelich; Ruby

Engrossed HB 1202 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2352:** A BILL for an Act to amend and reenact section 57-39.2-04.3 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases of computer and telecommunications equipment by a new primary sector business; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; 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.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**NAYS:** Brusegaard; Byerly; Carlson; Delzer; Grande; Grosz; Kingsbury; Lloyd; Wrangham

**ABSENT AND NOT VOTING:** Fairfield; Froelich

SB 2352 passed and the title was agreed to.

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### MOTION

**REP. BELTER 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.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. POLLERT MOVED** that the conference committee report on Engrossed HB 1245 be adopted as printed on HJ page 1025, which motion prevailed on a voice vote.

Engrossed HB 1245, as amended, was placed on the Eleventh order.

### SECOND READING OF HOUSE BILL

**HB 1245:** A BILL for an Act to amend and reenact subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to an operator's license number; 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 96 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; 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; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Carlson; Nottestad

Engrossed HB 1245 passed and the title was agreed to.

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#### **POINT OF PERSONAL PRIVILEGE**

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

#### **REQUEST**

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

Today is the 50th Anniversary of the discovery of oil in North Dakota. It was on April 4, 1951, that the Clarence Iverson #1 well came in near Tioga in Williams County. Ladies and Gentlemen, as we contemplate the future of North Dakota, let us mark this Golden Anniversary by reflecting on what the discovery of oil has meant to our State.

For 28 years, that one well, the Clarence Iverson, produced oil -- 585 thousand barrels of it. But since 1951, another 14,000 wells have been drilled in North Dakota. North Dakota is now the 9th ranking oil-producing state. Last year alone, we produced nearly 33 million barrels of oil valued at more than \$750 million. In fact, in the 50 years since oil was discovered in North Dakota, our petroleum industry has produced over 1.3 billion barrels of oil worth over \$20 billion.

Oil tax revenues to the State over the past 50 years have exceeded \$1.9 billion. Additionally, the State of North Dakota has received more than \$500 million from oil and gas leases, bonuses, royalties and rentals on state lands. Private mineral owners in western North Dakota have received many times that amount.

Crude oil and refined petroleum products are among our most important exports and revenue producers. The oil industry is one of North Dakota's largest employers with nearly 3,000 people at work in the oil patch. These are high-paying jobs.

We have about 15 rigs drilling in North Dakota right now. The high point of working rigs was 147 in 1983. Each of those rigs results in 120 direct and indirect jobs, providing an annual payroll of more than \$2.6 million per drilling rig.

On a per-capita basis, North Dakotans are among our nation's biggest users of petroleum products. We drive long distances. We like to keep warm in the winter. Our farmers rely mainly on gasoline and diesel fuel to do their jobs. The increasing numbers of tourists who visit us use oil products to get here.

There are many uncertainties in our future. Rising energy costs, shortages, environmental restrictions that limit access to drilling, OPEC's changing production policies - these and many other unknowns make forecasting the future dangerous.

A significant part of the Little Missouri National Grasslands in western North Dakota may soon be off-limits to drilling because of increased United States Forest Service restrictions. So-called "roadless" areas, and other restrictions, will deny surface occupancy to important federal lands where oil and gas might be found.

Even with these problems, the future for North Dakota's oil industry is definitely bright. There's a huge amount of oil still in the ground in areas that haven't been explored. New technologies, new discoveries, and new work in older oil fields have vastly increased both the odds of finding oil and the efficiency of getting it out of the ground. Over the past 50 years, even in areas where we have production, most wells have left behind five to ten barrels of oil for every barrel

they have produced. The recovery rate is improving today; and with new technologies, such as horizontal drilling and better methods of enhanced recovery, we will get more of the oil out of the ground.

The wildly fluctuating prices for oil and gas over the last three years have proven again that the industry is very price-sensitive. Current events in our nation, as we have seen recently in California, have shown us the real value of energy resources, the impact energy has on both the local and national economies, and the need to properly administer the production and distribution of these resources.

Our role as legislators is to ensure, through appropriate legislation, that North Dakota maintains a strong viable oil industry. Our efforts in this behalf can help protect our citizens from the energy-related problems now being experienced by others.

We have with us today one of North Dakota's oil pioneers. Mr. Tude Gordon came to North Dakota just over 50 years ago as a drill stem tester to help Amerada Petroleum evaluate the Clarence Iverson #1 wildcat well south of Tioga. He was there when the first pint of oil was recovered from a test at 10,450 feet and was at the well 50 years ago when North Dakota became an oil producer. Tude liked the people of North Dakota so well, he never left. Please join me in welcoming Mr. Tude Gordon as our guest today.

I urge everyone here today to reflect for a moment on the importance that day 50 years ago, when oil was struck in North Dakota, has had on our state.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. DEKREY MOVED** that the conference committee report on Engrossed HB 1267 be adopted as printed on HJ page 1097, which motion prevailed on a voice vote.

Engrossed HB 1267, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1267:** A BILL for an Act to create and enact two new sections to chapter 15.1-19 of the North Dakota Century Code, relating to records of a school law enforcement unit and retention of records; and to amend and reenact sections 27-20-51 and 27-20-52 of the North Dakota Century Code, relating to court and law enforcement records of a juvenile.

#### 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; 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, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1267 passed and the title was agreed to.

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#### MOTION

**REP. BELTER MOVED** that HB 1385 be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. RUBY MOVED** that the conference committee report on HB 1457 be adopted as printed on HJ page 1001, which motion prevailed on a voice vote.

HB 1457, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1457:** A BILL for an Act to amend and reenact section 23-13-15 of the North Dakota Century Code, relating to residential rental property smoke detection systems.

**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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; 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, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1457 passed and the title was agreed to.

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**SEVENTH ORDER OF BUSINESS****MOTION**

**REP. MONSON MOVED** that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2012.

**REQUEST**

**REP. MONSON REQUESTED** a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2012, 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 Engrossed SB 2012, the roll was called and there were 43 YEAS, 55 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Boucher; Brusegaard; Cleary; Drovdal; Ekstrom; Fairfield; Galvin; Glassheim; Grumbo; Gulleston; Haas; Hanson; Herbel; Hunskor; Keiser; Kelsh, S.; Kempenich; Koppang; Kroeber; Lloyd; Martinson; Metcalf; Monson; Mueller; Niemeier; Nottestad; Onstad; Pietsch; Renner; Rennerfeldt; Sandvig; Schmidt; Solberg; Svedjan; Thoreson, L.; Thorpe; Tieman; Warner; Wentz; Winrich

**NAYS:** Berg; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Eckre; Froelich; Froseth; Grande; Grosz; Gunter; Hawken; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppelman; Kretschmar; Lemieux; Mahoney; Maragos; Meier; Nelson; Nicholas; Pollert; Porter; Price; Ruby; Severson; Skarphol; Thoreson, B.; Timm; Wald; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

The motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2012 failed, therefore, the report of the Majority was adopted.

**SECOND READING OF SENATE BILL**

**SB 2012:** 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 department of transportation; to provide for a legislative council study; to provide a contingent appropriation; and to amend and reenact section 39-06-19, subsection 1 of section 39-06.2-09, and section 39-09-02 of the North Dakota Century Code, relating to highways and operators' licenses.

**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 65 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Gulleston; Gunter; Hanson; Hawken; Huether; Jensen;

Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Mahoney; Martinson; Meier; Nelson; Nicholas; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Thoreson, B.; Tieman; Timm; Wald; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Bellew; Boucher; Cleary; Drovdal; Ekstrom; Fairfield; Glassheim; Grumbo; Haas; Herbel; Hunskor; Kelsh, S.; Kingsbury; Kroeber; Lemieux; Lloyd; Maragos; Metcalf; Monson; Mueller; Niemeier; Nottestad; Onstad; Sandvig; Schmidt; Solberg; Svedjan; Thoreson, L.; Thorpe; Warner; Wentz; Winrich

Engrossed SB 2012 passed and the title was agreed to.

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#### MOTION

**REP. MARTINSON MOVED** that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2032, which motion failed on a verification vote.

#### SECOND READING OF SENATE BILL

**SB 2032:** A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to creation of a department of commerce; to amend and reenact sections 4-14.1-03, 4-14.1-04, and 6-12-02, subsection 6 of section 10-30-04, subsection 4 of section 10-30.5-02, section 10-30.5-05, subsection 6 of section 10-30.6-04, subsection 3 of section 20.1-02-17.1, sections 20.1-02-18.1, 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, and 24-03-21, subsection 4 of section 26.1-50-01, sections 26.1-50-02, 28-32-01, 40-57.1-04, and 49-10.1-17, subsection 4 of section 50-06-01.8, section 52-01-03, subsection 5 of section 52-02.1-01, section 54-01.1-08, subsection 1 of section 54-06-04, section 54-21.2-03, subsection 1 of section 54-21.3-03, sections 54-21.3-04.1, 54-34-12, 54-34-15, 54-34.3-01, 54-34.3-02, 54-34.3-03, 54-34.3-04, 54-34.3-05, 54-34.3-06, 54-34.3-08, 54-34.3-10, 54-34.3-11, 54-34.4-01, 54-34.4-02, and 54-34.4-04, subsection 15 of section 54-44.3-20, sections 54-44.5-01, 54-44.5-02, 54-44.5-03, 54-44.5-05, 54-53-02, 55-01-01, and 55-06-01, subsection 1 of section 57-38.5-01, section 57-38.5-08, and subsection 6 of section 57-39.2-28 of the North Dakota Century Code, relating to merging the division of community services, department of economic development and finance, and tourism department into a department of commerce; to repeal section 54-34.3-09 of the North Dakota Century Code, relating to the department of economic development and finance; to provide for correction of statutory references; 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 97 YEAS, 1 NAY, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleeson; 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; 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.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Maragos

Engrossed SB 2032 passed and the title was agreed to.

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#### MOTION

**REP. BELTER MOVED** to extend the deadline for rereferral of bills to Appropriations until the Sixty Second Day, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to SB 2009 SB 2015, SB 2019, SB 2380, and SB 2454 be adopted, which motion prevailed.

SB 2009 SB 2015, SB 2019, SB 2380, and SB 2454, as amended, were placed on the Fourteenth order of business on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2200, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2200 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "\$3,000,000" with "\$2,000,000"

Renumber accordingly

**MOTION**

**REP. BELTER MOVED** that SB 2200 be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2200 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to provide a continuing appropriation; to authorize transfers; 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; 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, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed SB 2015 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2380:** A BILL for an Act to provide for a community health grant program; to amend and reenact subsection 1 of section 54-27-25 of the North Dakota Century Code, relating to the community health trust fund; to provide an appropriation; and to provide for a legislative council study.

**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, 3 NAYS, 0 EXCUSED, 1 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; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; 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, B.; Thoreson, L.; Thorpe; Tieman; Timm; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Glassheim; Kerzman; Warner

**ABSENT AND NOT VOTING:** Wald

Engrossed SB 2380 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to provide for transfers of funds; to provide a statement of legislative intent; to direct the state tax commissioner to audit the ethanol incentive program; to provide for a report to the budget section; to create and enact a new section to chapter 54-34.4 of the North Dakota Century Code, relating to tourism copyrights and trademarks; to amend and reenact sections 4-14.1-07, 54-34.4-04, and 57-43.1-03.1 of the North Dakota Century Code, relating to ethanol plant production incentives, the motion picture development office advisory board, and tax refunds for fuel used for agricultural purposes; 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 96 YEAS, 2 NAYS, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; 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; 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.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Lemieux; Lloyd

SB 2019 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 4 NAYS, 0 EXCUSED, 1 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; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; 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; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Eckre; Kasper; Keiser; Weiler

**ABSENT AND NOT VOTING:** Nicholas

SB 2009 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2454:** A BILL for an Act to create and enact a new subsection to section 57-43.2-01 of the North Dakota Century Code, relating to the definition of biodiesel fuel; to amend and reenact section 24-02-01.5, subsection 1 of section 57-43.2-02, and subsection 1 of section 57-43.2-03 of the North Dakota Century Code, relating to a special fuels tax reduction for sales of diesel fuel blended with biodiesel fuel; to provide an effective date; 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 94 YEAS, 4 NAYS, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; 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, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Klein, F.; Porter; Price; Ruby

Engrossed SB 2454 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 Senate has failed to pass: HB 1310.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1467.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1444.

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1444

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide loans to individuals preparing to teach at grade levels or in content areas having declared teacher shortages.

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

#### SECTION 1. Loans - Teacher shortages - Repayment.

1. The state board of higher education shall administer a student loan program for individuals preparing to teach at grade levels or in content areas identified as having teacher shortages.
2. The board shall annually identify the elementary and high school grade levels or content areas in which teacher shortages exist.
3. Any individual may apply to the state board of higher education for a student loan, payable in the amount of one thousand dollars for each year the individual is enrolled as a full-time student in a teacher preparation program, with the declared intention to teach at a grade level or in a content area identified by the board as one in which teacher shortages exist. An individual may receive a maximum of five one thousand dollar loans under this section.

4. The board shall consider all applications under this section in chronological order.
5. The board shall annually forgive one thousand dollars of any amount loaned to an individual under this section upon notification that the individual has completed a full year of teaching in a school district or nonpublic school in this state at a grade level or in a content area identified by the board as one in which teacher shortages exist.
6. If an individual does not meet the requirements of subsection 5 with respect to forgiveness of a loan, the individual shall proceed with loan repayments at the time and in the manner set forth by the board."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1396, HCR 3046.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1005, HB 1208, HB 1273, HB 1407.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005**

Page 1, line 12, replace "642,551" with "558,166"

Page 1, line 14, replace "2,000" with "2,000"

Page 1, after line 14, insert:

"In lieu of tax payments 1,932,419"

Page 1, line 15, replace "750,587" with "2,598,621"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - State Treasurer - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$651,142	\$642,551	(\$84,385)	\$558,166
Operating expenses	106,036	106,036		106,036
Equipment	2,000	2,000		2,000
In lieu of tax payment			<u>1,932,419</u>	<u>1,932,419</u>
Total all funds	\$759,178	\$750,587	\$1,848,034	\$2,598,621
Less estimated income				
General fund	\$759,178	\$750,587	\$1,848,034	\$2,598,621
FTE	7.00	7.00	(1.00)	6.00

**Dept. 120 - State Treasurer - Detail of Senate Changes**

	REDUCE ONE ADMINISTRATIVE CLERK POSITION	REDUCE FUNDING FOR DEPUTY TREASURER POSITION <sup>1</sup>	PAYMENTS TO COUNTIES IN LIEU OF PROPERTY TAXES <sup>2</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$56,672)	(\$27,713)		(\$84,385)
Operating expenses				
Equipment				
In lieu of tax payment			<u>\$1,932,419</u>	<u>1,932,419</u>
Total all funds	(\$56,672)	(\$27,713)	\$1,932,419	\$1,848,034
Less estimated income				
General fund	(\$56,672)	(\$27,713)	\$1,932,419	\$1,848,034
FTE	(1.00)	0.00	0.00	(1.00)

<sup>1</sup> Reduces the salary of the Deputy Treasurer by 20 percent.

<sup>2</sup> To provide an appropriation in accordance with North Dakota Century Code Section 57-06-17.2 relating to payments to counties in lieu of property taxes on carbon dioxide pipeline property.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1208**

In lieu of the amendments to Reengrossed House Bill No. 1208 adopted by the Senate as printed on page 742 of the Senate Journal, Reengrossed House Bill No. 1208 is amended as follows:

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

Page 1, line 13, overstrike "and" and insert immediately thereafter "or"

Page 1, line 15, replace "Upon certification by the department that federal funds" with "The"

Page 1, remove line 16

Page 1, line 17, replace "for" with "of" and replace "violation" with "offense"

Page 1, line 20, replace "and" with "or"

Page 1, line 23, overstrike "and" and insert immediately thereafter "or"

Page 2, line 1, overstrike "and" and insert immediately thereafter "or"

Page 2, line 3, overstrike the first "and" and insert immediately thereafter "or"

Page 2, after line 7, insert:

**"SECTION 2. GRANT APPLICATION - IMPLEMENTATION.** The governor shall apply for grant funds available under the federal DNA Analysis Backlog Elimination Act of 2000 [Pub. L. 106-546; 114 Stat. 2726] and certify the offenses in section 31-13-03 as qualifying offenses. The department of corrections and rehabilitation and the forensic science division of the state department of health shall limit the implementation of this Act to stay within funds provided by legislative appropriation and from any other public or private source.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2004, and after that date is ineffective."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1273**

Page 6, line 1, replace "five" with "three business"

Page 6, line 21, after "licensee" insert "; however, the maker may rescind the transaction by the close of the following business day at no cost"

Page 7, line 2, after the period insert "At the time of entering a transaction, a licensee shall verify that the account on which the check is written is open."

Page 7, line 10, after "may" insert "not" and after "transaction" insert "more than once"

Page 7, line 12, replace "any renewals" with "one renewal"

Page 7, line 20, replace "five" with "three business"

Page 9, line 4, after "who" insert "willfully"

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1407**

Page 1, line 2, remove "legislative council"

Page 1, line 9, replace "legislative council" with "insurance commissioner"

Page 2, line 11, replace "legislative council" with "insurance commissioner"

Page 3, after line 4, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the insurance regulatory trust fund in the state treasury, not otherwise appropriated, the sum of \$55,000, or so much of the sum as may be necessary, to the insurance

commissioner for the purpose of carrying out the provisions of section 1 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1460.

**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1460**

Page 3, line 5, after the period insert "If an investor redeems an investment more than ten years after the date of that investment in a renaissance zone corporation and at least eighty percent of that investment has not been invested by the renaissance zone corporation in zone projects or in financing zone projects, the credit under subsection 5 is disallowed for that investment and any credit previously taken by that investor with respect to that investment must be repaid. For purposes of this subsection, a renaissance zone corporation shall file a report with the tax commissioner by April first of each year showing the amount and date of receipt by the renaissance zone corporation of each investment by each investor and the date and amount of each investment by the renaissance zone corporation in zone projects or in financing zone projects. Investments received by the renaissance zone corporation are presumed to be invested by the renaissance zone corporation in zone projects or in financing zone projects in the order in which they were received.

11."

Page 3, line 7, overstrike "11." and insert immediately thereafter "12."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1460**

In addition to the amendments adopted by the Senate as printed on page 890 of the Senate Journal, Engrossed House Bill No. 1460 is further amended as follows:

Page 2, line 14, after the comma insert "an initial limit of"

Page 2, line 15, after "this" insert "initial", replace "two" with "one", and remove "five hundred"

Page 2, line 16, remove "thousand", replace "to" with "for investments in", and after "organizations" insert "for taxable years beginning after December 31, 2000,"

Page 2, line 17, replace "investment in renaissance zones in which" with "investments permitted under this chapter if", replace "fifty" with "sixty-five", and replace "each qualifying" with "the"

Page 2, line 18, remove "available for that renaissance zone" and after "invested" insert "as permitted under this chapter or the organization is established after the exhaustion of the initial limit. Upon exhaustion of the initial limit, an additional one million five hundred thousand dollars in credits is available for investments in renaissance fund organizations for taxable years beginning after December 31, 2002, for investments permitted under this chapter if more than sixty-five percent of the qualifying organization's funds have been invested as permitted under this chapter or the organization is established after the exhaustion of initial limit"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1009, HB 1472.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1472**

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

Page 1, line 3, after "appropriation" insert "; and to provide an expiration date"

Page 1, after line 24, insert:

**"SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 327 - Department of Human Services Economic Assistance - Senate Action**

This amendment adds an expiration date of June 30, 2003, to Section 1 of the bill.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1009**

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, 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, remove "during the biennium beginning July 1, 2001, and ending June 30, 2003"

Page 5, remove line 13

Page 5, line 14, remove "biennium beginning July 1, 2001, and ending June 30, 2003."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1009 - Department of Agriculture - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE 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 Senate Changes**

	REDUCE OPERATING <sup>1</sup>	TOTAL SENATE 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 amendment removes the requirement for the Department of Agriculture to generate \$100,000 revenues from collections of pesticides under Project Safe Send. It does maintain the requirement of establishing a fee schedule for the collection of select chemicals.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2009, SB 2012, SB 2032, SB 2380, SB 2454.

**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 1245, HB 1267, HB 1457.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2352.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2015, SB 2019.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2001, SB 2002, SB 2008, SB 2183, SB 2251, and SB 2291 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2001:** Sens. Nething; Kringstad; Lindaas  
**SB 2002:** Sens. Nething; Solberg; Tallackson  
**SB 2008:** Sens. Holmberg; Andrist; Robinson  
**SB 2183:** Sens. Freborg; Wanzek; Christenson  
**SB 2251:** Sens. Flakoll; Cook; Kelsh  
**SB 2291:** Sens. Cook; Flakoll; Christenson

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2090, SB 2150, SB 2162, SB 2314, SB 2337, SB 2373, SB 2379, and SB 2403.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2436.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1215.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1007, HB 1020, HB 1025, and HB 1386 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1007:** Reps. Koppelman; Skarphol; Huether  
**HB 1020:** Reps. Martinson; Boehm; Gulleon  
**HB 1025:** Reps. Carlisle; Koppelman; Huether  
**HB 1386:** Reps. Disrud; Froseth; Ekstrom

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1451:** Sens. Wardner; Kilzer; C. Nelson

**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 2034:** Reps. Wrangham; Maragos; Delmore

**SB 2039:** Reps. Herbel; Clark; Winrich

**SB 2166:** Reps. L. Thoreson; Meier; Grumbo

**SB 2204:** Reps. D. Johnson; Renner; Onstad

**SB 2308:** Reps. Devlin; F. Klein; Cleary

**SB 2389:** Reps. Brandenburg; Kingsbury; Sandvig

**SB 2427:** Reps. Drovdal; Nelson; Winrich

**REPORT OF STANDING COMMITTEE**

**SB 2016, as engrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 2, after "transfers" insert "; to provide legislative intent", remove the second "and", and remove "a"

Page 1, line 3, replace "study" with "studies; to create and enact a new section to chapter 54-23.3 and a new subsection to section 54-23.4-06 of the North Dakota Century Code, relating to the establishment of new programs by the director of the department of corrections and rehabilitation and crime victims compensation; and to amend and reenact section 12-59-02 and subsection 1 of section 54-23.4-12 of the North Dakota Century Code, relating to compensation of parole board members and subrogation"

Page 1, line 13, replace "1,281,357" with "1,075,871"

Page 1, line 14, replace "171,447" with "152,062"

Page 1, line 15, replace "80,850" with "57,750"

Page 1, line 16, replace "1,533,654" with "1,285,683"

Page 1, line 18, replace "1,522,494" with "1,274,523"

Page 1, line 21, replace "10,819,873" with "10,647,498"

Page 1, line 22, replace "5,031,382" with "4,891,907"

Page 1, line 23, replace "217,050" with "119,700"

Page 1, line 24, replace "707,747" with "671,427"

Page 2, line 2, replace "21,189,929" with "20,744,409"

Page 2, line 3, replace "7,863,275" with "7,825,075"

Page 2, line 4, replace "13,326,654" with "12,919,334"

Page 2, line 7, replace "3,423,566" with "3,415,066"

Page 2, line 8, replace "4,460,612" with "3,863,128"

Page 2, line 9, replace "11,755,705" with "11,203,870"

Page 2, line 10, replace "28,600,319" with "20,905,566"

Page 2, line 11, replace "4,086,082" with "3,619,457"

Page 2, line 12, replace "25,092,023" with "23,577,624"

Page 2, line 13, replace "10,849,840" with "10,842,290"

Page 2, line 14, replace "88,268,147" with "77,427,001"

Page 2, line 15, replace "18,649,184" with "17,296,864"

Page 2, line 16, replace "69,618,963" with "60,130,137"

Page 2, line 17, replace "84,468,111" with "74,323,994"

Page 2, line 18, replace "26,523,619" with "25,133,099"

Page 2, line 19, replace "110,890,730" with "99,457,093"

Page 2, remove lines 23 through 26

Page 3, after line 12, insert:

**"SECTION 5. INMATE PAY AND DEDUCTIONS FROM INMATE PAY - LEGISLATIVE COUNCIL STUDY.** During the 2001-02 interim, the legislative council shall consider studying wages paid to inmates sentenced to the state correctional system and the various deductions from those wages, including methods used to determine rates of pay; actual wages paid to inmates; deductions from inmate wages; and the effect deductions for incarceration costs, facility operation costs, and capital improvement costs have on inmate payments for child support and restitution.

**SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION FACILITY NEEDS - LEGISLATIVE COUNCIL STUDY.** During the 2001-02 interim, the legislative council shall consider studying the facility needs of the department of corrections and rehabilitation, including the adequacy and utilization of the department's existing facilities; anticipated future facility needs considering the impact of alternative programs and trends in inmate population; the feasibility and desirability of increased utilization of county and private correctional facilities; and facilities required to address the needs of various inmate populations, including female inmates and inmates diagnosed with serious mental illness.

**SECTION 7. FEDERAL FUNDING REDUCTIONS - BUDGET SECTION APPROVAL.** If, during the biennium beginning July 1, 2001, and ending June 30, 2003, the federal government reduces funding below the level anticipated by the fifty-seventh legislative assembly for any programs administered by the department of corrections and rehabilitation, the department may not supplant the federal funds with general or special fund moneys without first obtaining the approval of the budget section of the legislative council. The department's budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, must identify any programs for which general or special fund appropriation authority is requested to replace federal funds previously available for the program.

**SECTION 8. YOUTH CORRECTIONAL CENTER - TEACHER CONTRACTS FOR SUMMER EDUCATION PROGRAMS.** The salaries and wages line item included in subdivision 2 of section 1 of this Act includes funding for teacher contracts to support the summer education program at the youth correctional center. Any moneys budgeted for teacher contracts for the summer education program but not spent for that purpose may not be used for any other purpose and must be returned to the general fund at the end of the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 9. TRANSFERS BETWEEN LINE ITEMS AND SUBDIVISIONS - COMPUTER PURCHASES.** Notwithstanding section 54-16-04, the department of corrections and rehabilitation may transfer between the various subdivisions included in section 1 of this Act and between the various line items included in subdivision 3 of section 1 of this Act for the purpose of purchasing personal computers to carry out the duties of the department.

**SECTION 10. OPERATION OF "PRERELEASE" AND "DUI OFFENDER TREATMENT" PROGRAMS - REPORT TO THE FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.** During the biennium beginning July 1, 2001, and ending June 30, 2003, the department of corrections and rehabilitation shall monitor the operation of the programs known as the "prerelease center" and the "DUI offender treatment center" authorized by the fifty-seventh legislative assembly. The department shall present a report to the appropriations committees of the fifty-eighth legislative assembly regarding the operation of the programs, including the impact of the programs on recidivism rates; the cost-effectiveness of the programs; the success of the programs; the ability to collect fees, if any, from the participating inmates; and a comparison of the costs and benefits of the "prerelease center" and the "DUI offender treatment center" to other forms of treatment or incarceration.

**SECTION 11. "PRERELEASE" PROGRAM AND INMATE CONTRACT HOUSING - USE OF MONEYS APPROPRIATED.** The institutional offender services line item contained in subdivision 3 of section 1 of this Act includes funding for the operation of a "prerelease center". Any moneys budgeted for the operation of the "prerelease center" but not spent for that purpose may not be used for any other purpose except contracting for additional inmate beds at county or private correctional facilities, as determined necessary by the department. Notwithstanding section 54-16-04, the department may transfer moneys from the institutional offender services line item to the security and safety line item in subdivision 3 of section 1 of this Act as determined necessary by the department to contract for inmate housing.

**SECTION 12. LEGISLATIVE INTENT - FUNDING FOR DRUG COURT PROGRAM.** It is the intent of the fifty-seventh legislative assembly that the department of corrections and rehabilitation seek federal funding to support the drug court program during the biennium beginning July 1, 2001, and ending June 30, 2003. If federal funds do not become available to the department to support the program, special funds derived from other income of the department may be used to fund the program. If federal funds become available during the biennium, the department must use the federal funds, and any required matching funds to be provided from special funds, to fund the program for the remainder of the biennium before funds from any other source are used for this purpose. Special fund moneys not used for the drug court program pursuant to this section must be used in place of general fund moneys appropriated by the fifty-seventh legislative assembly for other programs operated by the department.

**SECTION 13. AMENDMENT.** Section 12-59-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**12-59-02. Meetings - Compensation - Rules.** The governor shall appoint a member of the parole board to be chairman. The chairman of the parole board shall designate three members of the parole board for each meeting of the parole board. Meetings of the parole board must be held in accordance with rules established by the parole board and must be held as often as required to properly conduct the business of the board, but in any event not less than six times per year. The parole board may only take action upon the concurrence of at least two members who participated in the same meeting. The final decision of at least two parole board members who participated in the same parole board meeting constitutes the decision of the parole board. Members are entitled to be compensated at the rate of ~~sixty-two~~sixty-two ~~seventy-five dollars and fifty cents~~seventy-five dollars and fifty cents per day for each day actually and necessarily spent in the performance of their duties as board members plus the same mileage and expenses as are authorized for state officials and employees. The director of the division of parole and probation, or the director's designee, is the clerk for the parole board.

**SECTION 14.** A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

Approval of new programs. Notwithstanding the powers granted under section 54-23.3-04, the director of the department of corrections and rehabilitation may not authorize any new program that serves adult or juvenile offenders, including alternatives to conventional incarceration and programs operated on a contract basis, without first reporting to the legislative assembly or, if the legislative assembly is not in session, the budget section of the legislative council.

**SECTION 15.** A new subsection to section 54-23.4-06 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

Compensation may not be awarded unless the claimant pursues each available collateral source, including claim for relief unless the claim for relief would place an undue burden on the claimant.

**SECTION 16. AMENDMENT.** Subsection 1 of section 54-23.4-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. If compensation is awarded, the division is subrogated to all the claimant's rights to receive or recover benefits or advantages, for economic loss for which and to the extent only that compensation is awarded, from a source that is, or, if readily available to the claimant, would be, a collateral source. The division has the right of subrogation to initiate a claim for relief to recover for economic loss from a collateral source, including a tort-feasor."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2016 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Department of Corrections and Rehabilitation - Adult Services				
Total all funds	\$88,268,147	\$88,268,147	(\$10,841,146)	\$77,427,001
Less estimated income	18,649,184	18,649,184	(1,352,320)	17,296,864
General fund	\$69,618,963	\$69,618,963	(\$9,488,826)	\$60,130,137
Department of Corrections and Rehabilitation - Central Office				
Total all funds	\$1,533,542	\$1,533,654	(\$247,971)	\$1,285,683
Less estimated income	11,160	11,160		11,160
General fund	\$1,522,382	\$1,522,494	(\$247,971)	\$1,274,523
Department of Corrections and Rehabilitation - Juvenile Services				
Total all funds	\$21,088,929	\$21,189,929	(\$445,520)	\$20,744,409
Less estimated income	7,762,275	7,863,275	(38,200)	7,825,075
General fund	\$13,326,654	\$13,326,654	(\$407,320)	\$12,919,334
Bill Total				
Total all funds	\$110,890,618	\$110,991,730	(\$11,534,637)	\$99,457,093
Less estimated income	26,422,619	26,523,619	(1,390,520)	25,133,099
General fund	\$84,467,999	\$84,468,111	(\$10,144,117)	\$74,323,994

**Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Adult Services - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$7,073,227			
Operating expenses	9,222,935			
Equipment	63,102			
Capital improvements				
Grants	3,280,619			
Victims services		\$3,423,566	(\$8,500)	\$3,415,066
Institutional offender services		4,460,612	(597,484)	3,863,128
Community offender services		11,755,705	(551,835)	11,203,870
Support services	28,600,319	28,600,319	(7,694,753)	20,905,566
Program services	4,086,082	4,086,082	(466,625)	3,619,457
Security and safety	25,092,023	25,092,023	(1,514,399)	23,577,624
Roughrider Industries	10,849,840	10,849,840	(7,550)	10,842,290
Total all funds	\$88,268,147	\$88,268,147	(\$10,841,146)	\$77,427,001
Less estimated income	18,649,184	18,649,184	(1,352,320)	17,296,864
General fund	\$69,618,963	\$69,618,963	(\$9,488,826)	\$60,130,137
FTE	508.25	508.25	(51.50)	456.75

**Dept. 519 - Department of Corrections and Rehabilitation - Adult Services - Detail of House Changes**

	REDUCE FUNDING FOR DUI OFFENDER TREATMENT PROGRAM <sup>1</sup>	REDUCE BUDGETED COMPUTER PRICES <sup>2</sup>	REDUCE NUMBER OF NEW DESKTOP COMPUTERS <sup>3</sup>	REMOVE FTES AND FUNDING FOR SMI UNIT <sup>4</sup>	REDUCE INSTITUTIONAL OFFENDER SERVICES <sup>5</sup>	REDUCE COMMUNITY OFFENDER SERVICES <sup>6</sup>
Salaries and wages						
Operating expenses						
Equipment						
Capital improvements						
Grants						
Victims services						
Institutional offender services	(\$539,284)	(\$750)			(\$57,450)	
Community offender services		(11,308)	(\$8,400)			(\$532,127)
Support services		(15,400)	(5,600)	(\$937,703)		
Program services		(3,600)		(340,520)		
Security and safety		(1,800)		(1,159,574)		
Roughrider Industries		(6,150)	(1,400)			
Total all funds	(\$539,284)	(\$39,008)	(\$15,400)	(\$2,437,797)	(\$57,450)	(\$532,127)
Less estimated income		(10,920)	(1,400)			60,000
General fund	(\$539,284)	(\$28,088)	(\$14,000)	(\$2,437,797)	(\$57,450)	(\$592,127)
FTE	0.00	0.00	0.00	(28.00)	0.00	(1.00)

REMOVE FTE AND

	REDUCE SUPPORT SERVICES 7	REDUCE PROGRAM SERVICES 8	REDUCE SECURITY AND SAFETY 9	REDUCE VICTIMS SERVICES 10	REMOVE CAPITAL PROJECTS 11	OPERATING EXPENSES FOR WOMEN'S UNIT 12
Salaries and wages						
Operating expenses						
Equipment						
Capital improvements						
Grants						
Victims services				(\$8,500)		
Institutional offender services						
Community offender services						
Support services	(\$618,618)				(\$5,703,000)	(\$414,432)
Program services		(\$20,000)				(102,505)
Security and safety			(\$25,000)			(524,130)
Roughrider Industries						
<b>Total all funds</b>	<b>(\$618,618)</b>	<b>(\$20,000)</b>	<b>(\$25,000)</b>	<b>(\$8,500)</b>	<b>(\$5,703,000)</b>	<b>(\$1,041,067)</b>
Less estimated income					<u>(1,400,000)</u>	
<b>General fund</b>	<b>(\$618,618)</b>	<b>(\$20,000)</b>	<b>(\$25,000)</b>	<b>(\$8,500)</b>	<b>(\$4,303,000)</b>	<b>(\$1,041,067)</b>
FTE	0.00	0.00	0.00	0.00	0.00	(22.50)

	ADD FUNDING FOR CONTRACT INMATE HOUSING 13	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements		
Grants		
Victims services		(\$8,500)
Institutional offender services		(597,484)
Community offender services		(551,835)
Support services		(7,694,753)
Program services		(466,625)
Security and safety	\$196,105	(1,514,399)
Roughrider Industries		<u>(7,550)</u>
<b>Total all funds</b>	<b>\$196,105</b>	<b>(\$10,841,146)</b>
Less estimated income		<u>(1,352,320)</u>
<b>General fund</b>	<b>\$196,105</b>	<b>(\$9,488,826)</b>
FTE	0.00	(51.50)

1 Funding for the DUI offender treatment program, which will be operated on a contract basis with the State Hospital, is reduced from \$2,139,284 to \$1,600,000 to reflect a reduction in administrative cost allocation charged by the State Hospital.

2 The Senate version for the Adult Services Division included funding for 47 new desktop computers budgeted at various prices ranging from \$1,914 to \$2,300 per computer and six new laptop computers budgeted at various prices ranging from \$2,500 to \$3,500 per computer. The House amendment reduces the price per computer to \$1,400 for desktop computers and \$1,750 for laptop computers.

3 The total number of new desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77. The number of budgeted desktop computer purchases is reduced from 47 to 34 for the Adult Services Division.

4 Funding is removed for the proposed seriously mentally ill (SMI) unit as follows:

	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Salaries and wages	(28.00)	(\$1,859,441)		(\$1,859,441)
Operating expenses		(560,706)		(560,706)
Equipment		<u>(17,650)</u>		<u>(17,650)</u>
<b>Total change from Senate version</b>	<b>(28.00)</b>	<b>(\$2,437,797)</b>	<b>\$0</b>	<b>(\$2,437,797)</b>

5 The institutional offender services line item is adjusted for the following changes:

	GENERAL FUND	OTHER FUNDS	TOTAL
Operating expenses	(\$60,000)		(\$60,000)
Compensation rate increase for Parole Board members from \$62.50 to \$75 per day	2,550		2,550
<b>Total change from Senate version</b>	<b>(\$57,450)</b>	<b>\$0</b>	<b>(\$57,450)</b>

6 The community offender services line item is reduced to reflect the following changes:

	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Temporary salaries		(\$14,000)		(\$14,000)
Operating expenses		(407,000)		(407,000)
Funding source change (additional supervision fees)		(60,000)	\$60,000	
Remove parole officer II position				

Salaries and wages	(1.00)	(78,755)		(78,755)
Operating expenses		<u>(32,372)</u>		<u>(32,372)</u>
Total reduction relating to new positions	(1.00)	(\$111,127)		(\$111,127)
Total change from Senate version	(1.00)	(\$592,127)	\$60,000	(\$532,127)

7 The support services line item is reduced to reflect the following changes:

	GENERAL FUND	OTHER FUNDS	TOTAL
Temporary salaries	(\$8,000)		(\$8,000)
Information technology - Data processing	(20,000)		(20,000)
Information technology - Telecommunications	(5,000)		(5,000)
Travel	(15,000)		(15,000)
Information technology - Contractual services	(5,300)		(5,300)
Medical, dental, and optical expenses	30,000		30,000
Hepatitis B vaccinations and screening and treatment for other contagious diseases	122,800		122,800
Professional development	(10,000)		(10,000)
Office supplies	(5,000)		(5,000)
Other equipment	(100,000)		(100,000)
Capital improvements - Penitentiary parking lot	(403,118)		(403,118)
Capital improvements - Extraordinary repairs	(200,000)		(200,000)
Total change from Senate version	(\$618,618)	\$0	(\$618,618)

8 The program services line item is reduced to reflect the following changes:

	GENERAL FUND	OTHER FUNDS	TOTAL
Travel	(\$5,000)		(\$5,000)
Professional development	(2,000)		(2,000)
Professional services	(5,000)		(5,000)
Professional supplies	(5,000)		(5,000)
Miscellaneous supplies	<u>(3,000)</u>		<u>(3,000)</u>
Total change from Senate version	(\$20,000)	\$0	(\$20,000)

9 The security and safety line item is reduced to reflect a \$25,000 reduction in operating expenses.

10 The victims services line item is reduced to reflect a \$2,500 reduction in temporary salaries and a \$6,000 reduction in operating expenses.

11 Funding is removed for the following capital projects:

	GENERAL FUND	OTHER FUNDS	TOTAL
Missouri River Correctional Center - Food service building	(\$1,983,000)		(\$1,983,000)
Women's unit	<u>(2,320,000)</u>	<u>(\$1,400,000)</u>	<u>(3,720,000)</u>
Total change from Senate version	(\$4,303,000)	(\$1,400,000)	(\$5,703,000)

12 Funding is removed for the proposed women's unit as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Salaries and wages	(\$585,457)		(\$585,457)
Operating expenses	(421,815)		(421,815)
Equipment	<u>(33,795)</u>		<u>(33,795)</u>
Total change from Senate version	(\$1,041,067)	\$0	(\$1,041,067)

13 The Senate version included \$2,452,275 for housing inmates at county or out-of-state correctional facilities. The House amendment increases that amount to \$2,648,380 based on the following adjustments to the number of contract inmate beds:

- Funding is reduced to reflect an anticipated 20 contract bed reduction each month of the biennium due to the effect of the drug court (five less contract beds per month) and House Bill No. 1364 (15 less contract beds per month), which eliminates minimum mandatory sentences for certain first-time drug offenders.
- Funding is increased to reflect an anticipated 75 contract bed increase for each of the last eight months of the biennium due to not constructing the women's unit.

### Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Central Office - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,281,245	\$1,281,357	(\$205,486)	\$1,075,871
Operating expenses	171,447	171,447	(19,385)	152,062
Equipment	<u>80,850</u>	<u>80,850</u>	<u>(23,100)</u>	<u>57,750</u>
Total all funds	\$1,533,542	\$1,533,654	(\$247,971)	\$1,285,683
Less estimated income	<u>11,160</u>	<u>11,160</u>		<u>11,160</u>

General fund	\$1,522,382	\$1,522,494	(\$247,971)	\$1,274,523
FTE	10.00	10.00	(1.00)	9.00

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

	REMOVE NEW FTE POSITION AND RELATED OPERATING EXPENSES <sup>1</sup>	REDUCE FUNDING FOR TEMPORARY SALARIES	REMOVE FUNDING FOR SALARY EQUITY INCREASES <sup>2</sup>	REDUCE OPERATING EXPENSES	REDUCE BUDGETED COMPUTER PRICES <sup>3</sup>	REMOVE FUNDING FOR COMPUTER SERVER <sup>4</sup>
Salaries and wages	(\$79,486)	(\$1,000)	(\$125,000)			
Operating expenses	(8,385)			(\$11,000)		
Equipment					(\$6,300)	(\$14,000)
<b>Total all funds</b>	<b>(\$87,871)</b>	<b>(\$1,000)</b>	<b>(\$125,000)</b>	<b>(\$11,000)</b>	<b>(\$6,300)</b>	<b>(\$14,000)</b>
Less estimated income						
General fund	(\$87,871)	(\$1,000)	(\$125,000)	(\$11,000)	(\$6,300)	(\$14,000)
FTE	(1.00)	0.00	0.00	0.00	0.00	0.00

  

	REDUCE NUMBER OF NEW DESKTOP COMPUTERS <sup>5</sup>	TOTAL HOUSE CHANGES
Salaries and wages		(\$205,486)
Operating expenses		(19,385)
Equipment	(\$2,800)	(23,100)
<b>Total all funds</b>	<b>(\$2,800)</b>	<b>(\$247,971)</b>
Less estimated income		
General fund	(\$2,800)	(\$247,971)
FTE	0.00	(1.00)

<sup>1</sup> The Senate version included 2 FTE data processing coordinator I positions to provide information technology support for the department. The House amendment removes one of the new positions and the related operating expenses.

<sup>2</sup> The Senate version included \$125,000 for salary adjustments, in addition to the executive budget compensation package, to address equity and salary compression issues within the department. The House amendment removes this funding.

<sup>3</sup> The Senate version for the Central Office included funding for nine new desktop computers, budgeted at a cost of \$2,100 per computer. The House amendment reduces the budgeted price per computer to \$1,400.

<sup>4</sup> The Senate version for the Central Office included funding to replace three computer servers, one at a price of \$25,000 and two at \$14,000. The House amendment removes funding for one of the \$14,000 servers.

<sup>5</sup> The total number of desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77. The number of budgeted desktop computer purchases is reduced from nine to seven for the Central Office.

**Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Juvenile Services - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$10,819,873	\$10,819,873	(\$172,375)	\$10,647,498
Operating expenses	4,930,382	5,031,382	(139,475)	4,891,907
Equipment	217,050	217,050	(97,350)	119,700
Capital improvements	707,747	707,747	(36,320)	671,427
Grants	4,413,877	4,413,877		4,413,877
<b>Total all funds</b>	<b>\$21,088,929</b>	<b>\$21,189,929</b>	<b>(\$445,520)</b>	<b>\$20,744,409</b>
Less estimated income	7,762,275	7,863,275	(38,200)	7,825,075
General fund	\$13,326,654	\$13,326,654	(\$407,320)	\$12,919,334
FTE	120.43	120.43	0.00	120.43

**Dept. 532 - Department of Corrections and Rehabilitation - Juvenile Services - Detail of House Changes**

	REDUCE TEMPORARY SALARIES RELATING TO NEW POSITIONS <sup>1</sup>	REDUCE OPERATING EXPENSES <sup>2</sup>	REDUCE EQUIPMENT <sup>3</sup>	REDUCE FUNDING FOR SUMMER SCHOOL PROGRAM	REDUCE FUNDING FOR TEACHER SALARY INCREASES <sup>4</sup>	REDUCE BUDGETED COMPUTER PRICES <sup>5</sup>
Salaries and wages	(\$41,000)			(\$40,000)	(\$91,375)	
Operating expenses		(\$139,475)				

Equipment			(\$34,000)			(\$43,750)
Capital improvements						
Grants						
Total all funds	(\$41,000)	(\$139,475)	(\$34,000)	(\$40,000)	(\$91,375)	(\$43,750)
Less estimated income						<u>(25,600)</u>
General fund	(\$41,000)	(\$139,475)	(\$34,000)	(\$40,000)	(\$91,375)	(\$18,150)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

		REDUCE YOUTH CORRECTIONAL CENTER EXTRAORDINARY REPAIRS <sup>7</sup>	TOTAL HOUSE CHANGES
Salaries and wages			(\$172,375)
Operating expenses			(139,475)
Equipment	(\$19,600)		(97,350)
Capital improvements		(\$36,320)	(36,320)
Grants			
Total all funds	(\$19,600)	(\$36,320)	(\$445,520)
Less estimated income	<u>(12,600)</u>		<u>(38,200)</u>
General fund	(\$7,000)	(\$36,320)	(\$407,320)
FTE	0.00	0.00	0.00

<sup>1</sup> The Senate version included 1 FTE security officer I for the Youth Correctional Center and 1 FTE administrative assistant I for the Juvenile Community Services Division. The House amendment reduces the salaries and wages line item by \$41,000 (\$12,000 for Juvenile Community Services and \$29,000 for the Youth Correctional Center) to reflect an anticipated reduction in the need for temporary employees as a result of the new positions.

<sup>2</sup> The Juvenile Services Division operating expenses line item is reduced to reflect the following changes:

	GENERAL FUND	OTHER FUNDS	TOTAL
Juvenile Community Services (JCS) Division - Various reductions	(\$55,000)		(\$55,000)
JCS Division - Juvenile transportation costs (SB 2220 with House amendments)	(41,475)		(41,475)
Youth Correctional Center (YCC) - Auxiliary services	(13,000)		(13,000)
YCC - Administration	(7,500)		(7,500)
YCC - Resident care	(12,500)		(12,500)
YCC - Education	<u>(10,000)</u>		<u>(10,000)</u>
Total change from Senate version	(\$139,475)	\$0	(\$139,475)

<sup>3</sup> The House amendment reduces the amount appropriated to the Youth Correctional Center for "other" equipment from \$54,729 to \$20,729.

<sup>4</sup> The Senate version for the Juvenile Services Division included \$291,375 for salary adjustments, in addition to the executive budget compensation package, to increase teacher salaries pursuant to a composite salary schedule developed by the Central Personnel Division. The House amendment reduces this amount to \$200,000.

<sup>5</sup> The Senate version for the Juvenile Services Division included funding for the purchase of 50 new desktop computers and three new laptop computers, budgeted at a price of \$2,200 per desktop and \$3,000 per laptop. The House amendment reduces the budgeted prices to \$1,400 per desktop and \$1,750 per laptop.

<sup>6</sup> The total number of desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77. The number of budgeted desktop computer purchases is reduced from 50 to 36 for the Juvenile Services Division.

<sup>7</sup> Funding is removed for heating plant improvements at the Youth Correctional Center, reducing extraordinary repairs funding from \$65,320 to \$29,000.

This amendment also adds the following sections:

- Section 5, which directs the Legislative Council to consider studying issues relating to inmate wages and various deductions from those wages.
- Section 6, which directs the Legislative Council to consider studying the facility needs of the Department of Corrections and Rehabilitation.
- Section 7, which provides that if federal funding is reduced during the 2001-03 biennium, the department may not supplant the federal funds with general or special funds. The department must also identify any programs included in its 2003-05 biennium budget request for which general or special fund appropriation authority is requested to replace federal funds previously available for the program.
- Section 8, which provides that any moneys budgeted by the Youth Correctional Center for teacher contracts for the summer education program but not spent for that purpose must be returned to the general fund at the end of the 2001-03 biennium.

- Section 9, which authorizes the department to transfer funds between the subdivisions and program line items included in the bill for the purpose of providing for computer purchases.
- Section 10, which directs the department to report to the Appropriations Committees of the Fifty-eighth Legislative Assembly on the effectiveness of the prerelease and DUI offender treatment programs.
- Section 11, which provides that any moneys budgeted for the operation of the prerelease center but not spent for that purpose may not be used for any other purpose except contracting for inmate housing.
- Section 12, which provides legislative intent that the department seek federal funding for the drug court program. If federal funds become available, the department must spend the federal funds in place of the special funds appropriated for the program; the special funds appropriation for the program must then be used in place of general fund moneys appropriated for other programs.
- Section 13, which amends North Dakota Century Code (NDCC) Section 12-59-02 to increase the compensation rate for Parole Board members from \$62.50 per day to \$75 per day.
- Section 14, which creates a new section to NDCC Chapter 54-23.3 to require the department to report to the Legislative Assembly or the Budget Section before establishing any new correctional program.
- Section 15, which amends NDCC Section 54-23.4-06 to require that crime victims compensation awards may not be provided to a claimant until the claimant has pursued all collateral sources of funds.
- Section 16, which amends NDCC Section 54-23.4-12 to provide that if crime victims compensation is awarded, the department has the right of subrogation to initiate a claim for relief to recover funds from a collateral source.

#### REPORT OF STANDING COMMITTEE

**SB 2202, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~seven~~"

Page 1, line 11, remove "six"

Page 1, line 14, replace "year" with "calendar"

Page 1, line 15, replace "If a six-year-old child is in attendance at a public school kindergarten for the" with "If a person enrolls a child of age six in a public school, beginning thirty days after the date of enrollment the person shall ensure that the child is in attendance at a public school for the duration of the school calendar."

Page 1, remove lines 16 through 18

Page 1, line 23, remove the overstrike over "~~seven~~" and remove "six"

Page 2, line 1, overstrike "year" and insert immediately thereafter "calendar"

Page 2, line 3, replace "If a six-year-old child is in attendance at a public school kindergarten for the" with "If a person enrolls a child of age six in a public school, beginning thirty days after the date of enrollment the person shall ensure that the child is in attendance at a public school for the duration of the school calendar."

Page 2, remove lines 4 through 6

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4049: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4049 was placed on the Tenth order on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1462, as engrossed:** Your conference committee (Sens. Lee, Fischer, T. Mathern and Reps. Porter, F. Klein, Cleary) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1147 and place HB 1462 on the Seventh order.

Engrossed HB 1462 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 8:30 a.m., Thursday, April 5, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**