

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, April 9, 2003

The House convened at 8:15 a.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Scott Bauman, Charity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Clark and DeKrey.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 9, 2003, I have signed the following: HB 1058, HB 1204, HB 1207, HB 1221, HB 1256, HB 1275, HB 1320, HB 1321, HB 1351, HB 1415, and HB 1416.

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to SB 2013 be adopted, which motion prevailed.

SB 2013, as amended, was placed on the Fourteenth order of business on the calendar.

SEVENTH ORDER OF BUSINESS**MOTION**

REP. GULLESON MOVED that the report of the Minority as printed on HJ pages 1383-1391 be substituted for the report of the Majority on reengrossed SB 2154.

REQUEST

REP. MUELLER REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on reengrossed SB 2154, 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 reengrossed SB 2154, the roll was called and there were 28 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Gullerson; Hanson; Hunsakor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Clark; DeKrey

The motion that the report of the Minority be substituted for the report of the Majority on reengrossed SB 2154 failed, therefore, the report of the Majority was adopted.

SECOND READING OF SENATE BILL

SB 2154: A BILL for an Act to create and enact three new sections to chapter 15.1-07 and a new section to chapter 15.1-12 of the North Dakota Century Code, relating to school district plans and changes and interim funds; to amend and reenact subsection 5 of section 15.1-09-36, subsection 6 of section 15.1-27-01, sections 15.1-27-04, 15.1-27-05, 15.1-27-06, and 15.1-27-07, subsection 1 of section 15.1-27-10, subsection 4 of section 15.1-27-19, subsection 4 of section 15.1-27-21, sections 15.1-27-34, 15.1-27-37, 15.1-27-39, and 15.1-29-01, subsection 4 of section 15.1-29-06, sections 15.1-29-13 and 15.1-29-14, subsection 1 of section 15.1-30-01,

section 15.1-30-05, subsection 2 of section 15.1-30-15, and sections 15.1-31-05, 15.1-31-06, and 15.1-32-16 of the North Dakota Century Code, relating to per student payments, weighting factors, transportation aid, teacher compensation, and teacher compensation reimbursement; to provide for a legislative council study; to provide for contingent payments; to repeal sections 15.1-27-26, 15.1-27-27, 15.1-27-28, 15.1-27-29, 15.1-27-30, and 15.1-27-31 of the North Dakota Century Code, relating to state transportation aid payments; 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 66 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Delzer; Devlin; Dosch; Ekstrom; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

NAYS: Aarsvold; Amerman; Boe; Boucher; Delmore; Drovdal; Eckre; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Clark; DeKrey

Reengrossed SB 2154, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, North Dakota vision services - school for the blind, and the state library; to provide an appropriation; to provide for an exemption; to provide for the distribution of special education payments; to provide statements of legislative intent; to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by nonteaching employees of the superintendent of public instruction in the public employees retirement system; to amend and reenact subsection 3 of section 15-39.1-09, subsection 3 of section 54-52-01, subsection 5 of section 54-52-17.4, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to participation by nonteaching employees of the superintendent of public instruction in the public employees retirement system; 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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

NAYS: Ekstrom; Glassheim; Gulleon; Hanson; Kroeber; Solberg; Thorpe; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Froelich; Kelsh, S.

Engrossed SB 2013, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to create and enact a new subdivision to subsection 4 of section 6-09-15 and a new subsection to section 10-30.5-04 of the North Dakota Century Code, relating to powers of the Bank of North Dakota and powers of the North Dakota development fund, incorporated; 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 69 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Clark; DeKrey; Delmore; Devlin; Eckre; Ekstrom; Froseth; Glassheim; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kerzman; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Bellew; Belter; Bernstein; Brusegaard; Carlisle; Carlson; Delzer; Dosch; Drovdal; Galvin; Grande; Grosz; Kempenich; Kingsbury; Klein, F.; Pietsch; Rennerfeldt; Ruby; Skarphol; Timm; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Froelich; Kelsh, S.

Engrossed SB 2335, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2416: A BILL for an Act to provide an appropriation for capital projects of the state historical society of North Dakota; to authorize the industrial commission to issue and sell bonds for capital projects; 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 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Speaker Wentz

NAYS: Bellew; Belter; Carlson; DeKrey; Delzer; Dosch; Herbel; Iverson; Kasper; Maragos; Pietsch; Skarphol; Timm; Weisz; Wrangham; Zaiser

ABSENT AND NOT VOTING: Froelich; Kelsh, S.

Engrossed SB 2416, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2083: Reps. Weisz, Price, Sandvig.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to HB 1001 as printed on HJ pages 1353-1355 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1001: Reps. Martinson, Brusegaard, Aarsvold.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to HB 1017 as printed on HJ pages 1359-1360 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1017: Reps. Wald, Brusegaard, Gulleeson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2020: Reps. Martinson, Rennerfeldt, Aarsvold.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2021: Reps. Martinson, Monson, Gulleeson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2022: Reps. Wald, Rennerfeldt, Gulleeson.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. CARLISLE MOVED that the House do not concur in the Senate amendments to HB 1002 as printed on HJ pages 1317-1319 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1002: Reps. Koppelman, Carlisle, Warner.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DELZER MOVED that the House do not concur in the Senate amendments to HB 1004 as printed on HJ pages 1319-1320 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1004: Reps. Kempenich, Bellew, Kerzman.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DELZER MOVED that the House do not concur in the Senate amendments to HB 1010 as printed on HJ pages 1279-1280 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1010: Reps. Bellew, Kempenich, Kerzman.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DELZER MOVED that the House do not concur in the Senate amendments to HB 1007 as printed on HJ pages 1355-1359 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1007: Reps. Kempenich, Delzer, Metcalf.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. CARLISLE MOVED that the House do not concur in the Senate amendments to HB 1013 as printed on HJ pages 1350-1353 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1013: Reps. Koppelman, Thoreson, Kroeber.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2001: Reps. Koppelman, Thoreson, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2002: Reps. Thoreson, Koppelman, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2003: Reps. Carlisle, Timm, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2004: Reps. Skarphol, Timm, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2005: Reps. Carlson, Thoreson, Kroeber.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2007: Reps. Koppelman, Thoreson, Kroeber.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2008: Reps. Koppelman, Carlson, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2009: Reps. Carlson, Skarphol, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2010: Reps. Timm, Carlisle, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2016: Reps. Skarphol, Carlson, Kroeber.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2019: Reps. Carlson, Carlisle, Kroeber.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEVLIN MOVED that the conference committee report on Engrossed HB 1438 be adopted as printed on HJ page 1191, which motion prevailed on a voice vote.

Engrossed HB 1438, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to create and enact a new subsection to section 25-01.3-01 and a new section to chapter 44-04 of the North Dakota Century Code, relating to definitions and duties to protect information; to amend and reenact section 23-01.3-02, subsection 1 of section 23-07-01.1, sections 23-07-02.1 and 23-07-02.2, subsections 6, 7, and 8 of section 23-07.5-01, section 23-07.5-02, subsection 1 of section 23-07.5-04, sections 23-07.5-06, 23-07.5-07, and 23-07.5-08, subsection 3 of section 23-07.7-02, sections 23-12-14, 23-16-09, 25-01.3-10, and 25-16-07, subsection 9 of section 26.1-04-03, section 28-01-46.1, subsections 6 and 9 of section 37-18-11, subsection 4 of section 43-15-01, subdivision n of subsection 1 of section 43-15-10, section 43-47-09, subsection 1 of section 44-04-18.1, and section 50-19-10 of the North Dakota Century Code, relating to the use and disclosure of health information, and persons to be tested and the timing of testing for the human immunodeficiency virus; to repeal sections 23-01.3-03, 23-07.5-03, and 23-07.5-05 of the North Dakota Century Code, relating to the disclosure of health information; 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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Belter; Bernstein; Froelich; Kelsh, S.; Norland; Onstad; Weisz

Engrossed HB 1438, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SEVENTH ORDER OF BUSINESS**MOTION**

REP. MARTINSON MOVED that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2015.

REQUEST

REP. KERZMAN 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 2015, 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 2015, the roll was called and there were 40 YEAS, 47 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Boe; Boucher; Carlisle; Delmore; Dosch; Eckre; Ekstrom; Glassheim; Gulleson; Hanson; Hawken; Hunskor; Johnson, N.; Kerzman; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Niemeier; Nottestad; Potter; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Tieman; Warner; Weiler; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Berg; Boehning; Brusegaard; Carlson; Clark; DeKrey; Delzer; Devlin; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Headland; Herbel; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Monson; Nicholas; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Warnke; Wieland; Wikenheiser; Wrangham

ABSENT AND NOT VOTING: Belter; Bernstein; Froelich; Kelsh, S.; Norland; Onstad; Weisz

The motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2015 failed, therefore, the report of the Majority was adopted.

REPORT OF STANDING COMMITTEE (MAJORITY)

SB 2015, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) A MAJORITY of your committee (Reps. Svedjan, Timm, Brusegaard, Monson, Rennerfeldt, Wald, Koppelman, Skarphol, Thoreson, Delzer, Warnke, Kempenich) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 4, after the semicolon insert "to create and enact two new sections to chapter 54-59 of the North Dakota Century Code, relating to required information technology services and duties of the information technology department;" and replace the second "section" with "sections 54-35-18, 54-35-18.1, and 54-35-18.2, subsection 2 of section 54-44.1-06, and sections 54-44.1-12, 54-59-05, 54-59-09, and"

Page 1, line 5, replace "suspending" with "the electric industry competition committee, preparation of budget data, budget allotments, powers and duties of the information technology department, information technology standards, and"

Page 1, line 7, remove "a statement"

Page 1, line 8, remove "of", after "intent" insert "; to require an examination of mineral severance tax application to federal lands and lands of quasi-federal entities; to require reports to the legislative assembly; to provide an exception to section 54-44.1-06 of the North Dakota Century Code, relating to the preparation of certain appropriation bills; to provide for reports to the budget section; to provide for legislative council studies; to provide for the transfer of state agency information technology positions; to provide for the transfer of higher education information technology functions; to provide an appropriation", and replace "provide an expiration date" with "declare an emergency"

Page 1, line 16, replace "15,404,949" with "15,533,036"

Page 1, line 17, replace "11,461,745" with "10,573,616"

Page 1, line 19, replace "179,000" with "179,000"

Page 1, after line 19, insert:

"Technology critical needs pool

1,000,000"

Page 1, line 20, replace "27,778,694" with "28,018,652"

Page 1, line 21, replace "7,891,748" with "7,915,492"

Page 1, line 22, replace "19,886,946" with "20,103,160"

Page 2, remove line 17

Page 2, line 20, replace "special funds" with "\$2,000,000", replace "land" with "lands", and remove "in the amount of"

Page 2, line 21, remove "\$3,000,000"

Page 2, line 23, after "transfer" insert "\$14,300,000"

Page 2, line 24, replace "any balance remaining in" with "from" and remove "as of July 1, 2003"

Page 3, remove lines 10 through 22

Page 4, after line 2, insert:

"SECTION 12. AMENDMENT. Section 54-35-18 of the North Dakota Century Code is amended and reenacted as follows:

54-35-18. (Effective through August 1, ~~2003~~2007) Electric industry competition - Need for study. The legislative council shall study the impact of competition on the generation, transmission, and distribution of electric energy within this state. The legislative assembly finds that the economy of this state depends on the availability of reliable, low cost, electric energy. There is a national trend toward competition in the generation, transmission, and distribution of electric energy and the legislative assembly acknowledges that this competition has both potential benefits and adverse impacts on this state's electric suppliers as well as on their shareholders and customers and the citizens of this state. The legislative assembly determines that it is in the best interests of the citizens of this state to study the effects of competition on the generation, transmission, and distribution of electric energy.

SECTION 13. AMENDMENT. Section 54-35-18.1 of the North Dakota Century Code is amended and reenacted as follows:

54-35-18.1. (Effective through August 1, ~~2003~~2007) Electric industry competition committee - Composition.

1. The legislative council shall appoint a committee to study electric industry competition.

2. The committee shall study the impact of competition on the generation, transmission, and distribution of electric energy within this state and on the state's electric suppliers.
3. As used in sections 54-35-18 through 54-35-18.2, "electric suppliers" means public utilities regulated under title 49, rural electric cooperatives organized under chapter 10-13, municipal electric utilities organized under chapters 40-33 and 40-33.2, and power marketers.
4. The committee consists of:
 - a. ~~Three or four~~ Six members of the house of representatives, ~~no more than two of whom may be from the same political party~~ four of whom must be from the majority political party and two of whom must be from the minority political party.
 - b. ~~Three or four~~ Six members of the senate, ~~no more than two of whom may be from the same political party~~ four of whom must be from the majority political party and two of whom must be from the minority political party.
5. The chairman of the legislative council shall name one of the members as chairman.

SECTION 14. AMENDMENT. Section 54-35-18.2 of the North Dakota Century Code is amended and reenacted as follows:

54-35-18.2. (Effective through August 1, 2003~~2007~~) Electric industry competition committee - Study areas. The electric industry competition committee shall study this state's electric industry competition and electric suppliers and shall report to the legislative council in the same manner as do other interim legislative council committees, concerning the following issues:

1. Financial issues, including:
 - a. The interests of residential customers, including:
 - (1) Fairness of rates, terms, and conditions of service for services chosen.
 - (2) Affordability of rates, bills, and services.
 - (3) Stability and predictability of rates and bills.
 - (4) Reliability and quality of power supply.
 - (5) Assurance that rates, terms, and conditions are nondiscriminatory.
 - (6) Ability of customers to understand potential energy choices.
 - (7) Importance of a fair dispute resolution process.
 - (8) Potential for rates to reflect the customer's desired level of energy reliability and availability.
 - b. The interests of small business customers, large business customers, shareholders, and other stakeholders, including:
 - (1) Fairness of rates, terms, and conditions of service for the services chosen by customers.
 - (2) Affordability of rates, bills, and services for customers.
 - (3) Stability and predictability of customers' rates and bills.
 - (4) Assurance that rates, terms, and conditions are nondiscriminatory for all customers.

- (5) Ability of customers to understand potential energy choices and the implications of these choices.
 - (6) Importance of a fair dispute resolution process for customers.
 - (7) Potential for rates to reflect the customer's desired level of energy reliability and availability.
- c. Financial integrity of and cost of capital to electric power suppliers.
 - d. Taxes paid by electric suppliers, including franchise taxes, excise taxes, income taxes, ad valorem taxes, in lieu taxes, and real and personal property taxes.
 - e. Tax implications to local governments.
 - f. Quantification and recovery of stranded investments by electric power suppliers, including those resulting from:
 - (1) Customers who have a legal obligation to bear certain costs, who find a way to avoid those obligations, and who leave without paying costs incurred on the customer's behalf; and
 - (2) The costs of investments that exceed their value in the competitive market.
 - g. Pricing of transmission and distribution services.
 - h. Pricing and rate subsidies for all classes of customers.
 - i. Unbundling of costs of services.
2. Legal issues, including:
 - a. State, tribal, and federal jurisdiction.
 - b. State statutory and regulatory constraints and oversight of the electric industry.
 - c. Those related to the federal energy regulatory commission.
 - d. Commerce clause constraints.
 - e. Review of existing state laws, rules, and constitutional provisions that affect the generation, transmission, and distribution of electric energy, including the need and appropriateness of regulatory reforms for services that will continue to be provided by a regulated utility.
 - f. Interstate reciprocity and the regional nature of the industry.
 - g. Continuing obligations of an electric supplier to serve customers.
 - h. Use and protection of proprietary information in a competitive market.
 3. Social issues, including:
 - a. Planning and operation of electric suppliers, including integrated resource planning.
 - b. Efficiency and sufficiency of an aggregate supply of energy.
 - c. Environmental impacts.
 - d. Impact on the development and use of renewable resources.
 - e. Appropriate and proper method of recovery of the cost of social, low income, and noneconomic renewable energy programs in order to ensure that costs are fairly and equitably shared among all customers of electric energy.

4. Issues related to system planning, operation, and reliability, including:
 - a. Electric system reliability.
 - b. Provisions by which customers would be permitted to have a choice of generation providers.
 - c. Applicability of regulatory reliability criteria to nonutility market participants.
 - d. Form and requirements of contracts for the sale and purchase of electric energy.
 - e. Requirements for metering energy usage at the customer's location.
 - f. Designation and regulation of ancillary services.
5. Identification and review of potential market structures, including:
 - a. Possible market structures for a deregulated generation market and transmission market and whether these structures should be mandated or allowed to form voluntarily.
 - b. Formation of market segments in response to customer requirements.
 - c. Impact on the investment stability of the electric utility industry.
 - d. Impact on multipurpose entities.
 - e. Potential to improve economic efficiency.
 - f. Size of the market and the extent to which its size impacts the level of benefits for customers or groups of customers.
 - g. Ability of participants with control over the electricity generation and transmission system to exercise market power over pricing or the need for controls to prevent the exercise of market power.
 - h. Controls or bans on corporate relationships between regulated utilities and emerging competitive sectors.
 - i. Barriers to achieving nondiscriminatory competition among electric suppliers, including review of federal and state tax issues, availability of federal subsidies to certain energy suppliers, application of federal laws that impose regulatory requirements on the electric utility industry, and jurisdiction of the federal energy regulatory commission over competitors.
 - j. Viability of all customers to participate in and benefit from a competitive electricity market, including:
 - (1) Risks and responsibilities that customers or classes of customers incur by participating in a competitive market.
 - (2) Costs of gathering, processing, and managing information on the price and quality of electricity.
 - (3) Benefits to customers or classes of customers from participation in a competitive electricity market.
6. Whether and to what extent power produced by the Garrison dam should be taxed by the state.
7. The source and cost of power supplied to the state's Indian reservations.
8. Other issues related to the generation, transmission, and distribution of electric energy.

SECTION 15. AMENDMENT. Subsection 2 of section 54-44.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. Statements of actual revenue for the previous biennium, the first year of the present biennium, and the estimated revenue of the current fiscal year and of the next biennium, and a statement of unappropriated surplus expected to have accrued in the state treasury at the beginning of the next fiscal year. The statement of unappropriated surplus for the general fund must reflect any projected deficiency appropriations relating to expenditures from the general fund for the present biennium. The statements of revenue and estimated revenue must be classified by sources and by budget unit collecting them. Existing sources of revenue must be analyzed as to their equity, productivity, and need for revision, and any proposed new sources of revenue must be explained.

SECTION 16. AMENDMENT. Section 54-44.1-12 of the North Dakota Century Code is amended and reenacted as follows:

54-44.1-12. Control over rate of expenditures. The director of the budget shall exercise continual control over the execution of the budget affecting the departments and agencies of state government, with the exception of the legislative and judicial branches. Execution means the analysis and approval of all commitments for conformity with the program provided in the budget, frequent comparison of actual revenues and budget estimates, and on the basis of these analyses and comparisons control the rate of expenditures through a system of allotments. The allotment must be made by specific fund and all departments and agencies that receive moneys from that fund must be allotted on a uniform percentage basis, except that appropriations to the department of public instruction for foundation aid, transportation aid, and special education aid may only be allotted to the extent that the allotment can be offset by transfers from the foundation aid stabilization fund. Any allotment must be made to the extent necessary to address any projected deficiency appropriations for agencies receiving moneys from the fund. Before an allotment is made which will reduce the amount of funds which can be disbursed pursuant to an appropriation or before an allotment disallowing a specific expenditure is made, the director shall find one or more of the following circumstances to exist:

1. The moneys and estimated revenues in a specific fund from which the appropriation is made are insufficient to meet all legislative appropriations from the fund.
2. The payment or the obligation incurred is not authorized by law.
3. The expenditure or obligation is contrary to legislative intent as recorded in any reliable legislative records, including:
 - a. Statements of legislative intent expressed in enacted appropriation measures or other measures enacted by the legislative assembly; and
 - b. Statements of purpose of amendment explaining amendments to enacted appropriation measures, as recorded in the journals of the legislative assembly.
4. Circumstances or availability of facts not previously known or foreseen by the legislative assembly which make possible the accomplishment of the purpose of the appropriation at a lesser amount than that appropriated.

SECTION 17. Two new sections to chapter 54-59 of the North Dakota Century Code are created and enacted as follows:

Required use of electronic mail, file and print server administration, data base administration, desktop personal computer support, and application server and hosting services. Each state agency and institution, excluding the institutions under the control of the board of higher education, that desires electronic mail, file and print server administration, data base administration, desktop personal computer support, disaster recovery, and application server and hosting services shall obtain those services from the department. The chief information officer may exempt from the application of this section any agency that demonstrates its current services are more appropriate for the specific needs of that agency than the services available from the department.

Department shall establish certain standards for agencies - Advisory committee - Exceptions. The department shall appoint an advisory committee consisting of representatives of state agencies for the purposes of prioritizing major computer

software projects and establishing policies, standards, and guidelines for executive branch state agencies and agencies of the judicial and legislative branches with respect to the purchase of computer software and computer systems. The chief information officer shall submit recommendations of the advisory committee regarding major software projects to the information technology committee for consideration by the committee and the drafting of appropriate legislation to implement the recommendations. The chief information officer may exempt an agency from the policies, standards, and guidelines established by the committee to address situations unique to that agency. Before an executive branch state agency may purchase or contract for computer software or computer systems associated with electronic mail, file and print services hosting and support, desktop personal computers and desktop support services, mainframe and distributed computing hosting services, or services for disaster recovery of critical systems, the department shall review the proposed purchase and approve of the purchase.

SECTION 18. AMENDMENT. Section 54-59-05 of the North Dakota Century Code is amended and reenacted as follows:

54-59-05. Powers and duties of department. The department:

1. Shall provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the board of higher education.
2. Shall provide network services in a way that ensures the network requirements of a single entity do not adversely affect the functionality of the whole network, facilitates open communications with the citizens of the state, minimizes the state's investment in human resources, accommodates an ever-increasing amount of traffic, supports rapid detection and resolution of problems, protects the network infrastructure from damage and security breaches, provides for the aggregation of data, voice, video, and multimedia into a statewide transport mechanism or backbone, and provides for the network support for the entity to carry out its mission.
3. May review and approve additional network services that are not provided by the department.
4. May purchase, finance the purchase, or lease equipment or software or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. An agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of three years. The department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services under this subsection, which is in excess of one million dollars, to the budget section of the legislative council before executing a financing agreement. If the budget section does not approve the execution of a financing agreement, the department may not proceed with the proposed financing arrangement. The department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed the amount appropriated to the department during that biennium for equipment.
5. Each executive branch agency or institution, ~~except~~ excluding the institutions under the control of the board of higher education with respect to academic and research uses of information technology, shall submit to the department, in accordance with guidelines established by the department, a written request for the lease, purchase, or other contractual acquisition of information technology. The department shall review requests for conformance with the requesting entity's information technology plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the department may disapprove the request or require justification for the departure from the plan or statewide policy or standard.
6. Shall provide information technology, including assistance and advisory service, to the executive, legislative, and judicial branches. If the department is unable to fulfill a request for service from the legislative or judicial branch, the information technology may be procured by the legislative or judicial branch within the limits of legislative appropriations.

- 6- 7. May request information on or review information technology, applications, system development projects, and application development projects of executive branch agencies.
- 7- 8. Shall study emerging technology and evaluate its impact on the state's system of information technology.
- 8- 9. Shall develop guidelines for reports to be provided by each executive branch agency, institution, or department, the institutions under the control of the board of higher education, and agencies of the judicial and legislative branches on information technology in those entities.
- 9- 10. Shall review the information technology management of executive branch agencies or institutions, ~~including institutions under the control of the board of higher education as provided in section 54-59-13.~~
- 40- 11. Shall perform all other duties necessary to carry out this chapter.

SECTION 19. AMENDMENT. Section 54-59-09 of the North Dakota Century Code is amended and reenacted as follows:

54-59-09. Information technology standards. Based on information from state agencies and institutions, the department shall develop statewide information technology policies, standards, and guidelines. The policies, standards, and guidelines must recognize the uniqueness of certain agencies and state which agencies are included or exempted from the policies, standards, and guidelines. The policies, standards, and guidelines must be approved by the state information technology advisory committee. Unless an exemption is granted by the ~~department~~ chief information officer, each executive branch state agency and institution, excluding the institutions under the control of the board of higher education with respect to academic and research uses of information technology, shall comply with the policies and standards developed by the department. Unless an exemption is granted by the ~~department~~ chief information officer, each entity receiving wide area network services provided by the department shall comply with the policies and standards developed by the department with respect to access to or use of wide area network services.

SECTION 20. TRANSFER OF STATE AGENCY INFORMATION TECHNOLOGY EMPLOYEE POSITIONS - CONSOLIDATION OF INFORMATION TECHNOLOGY FUNCTIONS. On November 1, 2003, the following number of authorized full-time equivalent employee positions relating to information technology services, including electronic mail, file and print server administration, data base administration, desktop personal computer support, disaster recovery, and application server and hosting services must be transferred from the named agencies to the information technology department, unless reduced by the chief information officer:

AGENCY	FULL-TIME EQUIVALENT EMPLOYEE POSITIONS
Secretary of state	1
Office of management and budget	2
State auditor's office	1
Attorney general	3
Tax department	4
Legislative branch	3
Judicial branch	3
Retirement and investment office	1
Public employees retirement system	2
Department of public instruction	2
Land department	1
School for the deaf	1
Vision services - school for the blind	1
State board for vocational and technical education	1
State department of health	3
Veterans' home	1
Department of human services	31
Job service North Dakota	11
Industrial commission	3
Public service commission	1
Bank of North Dakota	7

Housing finance agency	2
Mill and elevator	1
Workers compensation bureau	5
Highway patrol	3
Department of corrections and rehabilitation	3
Department of commerce	1
Game and fish department	2
Parks and recreation department	1
State water commission	2
Department of transportation	7

The agencies shall retain funding relating to the transferred employee positions and related costs, which is contained in the agencies' respective appropriations bill. Each of the agencies shall establish an information technology services line item consisting of funding related to the salaries and wages for the transferred employee positions and related funding for equipment, training, office rent, travel, contracted services, or other related costs for electronic mail, file and print server administration, data base administration, desktop personal computer support, disaster recovery, and application server and hosting services. Agencies shall develop documentation supporting the related funding transferred to the information technology services line item. Any line item transfer must be reported to the office of management and budget. Each of the agencies shall use the funding contained in the information technology services line item to purchase information technology services from the information technology department. Each of the agencies shall make arrangements with the information technology department for the transfer of equipment and material related to the transferred employee positions and services from the respective agency to the department. The information technology department may receive any funding relating to the purchase of information technology services under this section, which is hereby appropriated. Each agency is entitled to receive from the information technology department the equivalent in services that would have been performed by employees in the transferred positions at a cost not exceeding the amounts transferred to the agency's information technology services line item.

The information technology department shall determine the number of full-time equivalent positions necessary to provide the related information technology functions to state agencies. The department may employ the number of necessary employees and require all persons interested in filling the employee positions to apply with the department. In filling the employee positions, the department shall give preference to current state employees working in information technology. The department may make arrangements with the agency from which an employee was transferred to transfer any leave accrued by that employee.

SECTION 21. INFORMATION TECHNOLOGY FUNCTION CONSOLIDATION - ACCUMULATED SAVINGS - TRANSFER TO THE GENERAL FUND. The information technology department shall achieve efficiencies during the biennium beginning July 1, 2003, and ending June 30, 2005, relating to the required consolidation of information technology functions, including electronic mail, file and print server administration, data base administration, desktop personal computer support, disaster recovery, and application server and hosting services. The information technology department through efficiencies resulting from this consolidation shall achieve accumulated net savings totaling \$4,000,000 for the 2003-05 biennium. The director of the office of management and budget shall transfer the savings accumulated as a result of these efficiencies in the amount of \$4,000,000 to the general fund by June 30, 2005.

SECTION 22. INFORMATION TECHNOLOGY SERVICE - REPORTS TO THE INFORMATION TECHNOLOGY COMMITTEE AND THE BUDGET SECTION. The information technology department shall document information relating to the delivery of the consolidated services to agencies, including service dependability, agency complaints, and information technology department responsiveness, and shall report that information and the status of the accumulated savings to the information technology committee and the budget section as requested. Any agency receiving consolidated services may provide information to the information technology committee with respect to service availability, service dependability, complaints of the agency or of persons receiving services from the agency or the department, department responsiveness, and any additional costs incurred by the agency as a result of the consolidated services.

SECTION 23. INFORMATION TECHNOLOGY LEGISLATIVE COUNCIL STUDY - APPROPRIATION - REPORTS TO THE BUDGET SECTION. There is

appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$350,000, or so much of the sum as may be necessary, to the legislative council for the biennium beginning July 1, 2003, and ending June 30, 2005, for the purpose of contracting with consultants to conduct an information technology consolidation and an information technology management study and to provide assistance with the preparation of the request for proposals and consultant oversight. The studies must be completed by October 1, 2003, and periodic progress reports on the status of studies must be provided to the information technology committee. A final report must be presented to the budget section upon completion of the studies.

The information technology consolidation study must address the consolidation of information technology functions, including a review and identification of:

1. The cost of providing electronic mail administration, file and print server administration, seat management and desktop personal computer support, mainframe and distributed computing hosting services, consolidated storage management and disaster recovery, and software development.
2. The roles and responsibilities of agency personnel providing information technology services and the positions to be consolidated.
3. The positions and competencies needed by the information technology department to provide the information technology services on a centralized basis, including the organizational changes required within the department to provide the centralized services.
4. The human resource management issues, including change management, training, and employee compensation, to be addressed for a successful consolidation.
5. The adequacy and quality of the services as currently provided and proper performance measures.
6. The comparison of current costs to industry data and data from other states.
7. The costs and benefits of providing the services on a centralized basis and the cost of an agency providing the services on an individual basis.
8. Information technology services appropriate to be performed by individual agencies.
9. A plan to consolidate the services identified, including the reorganization tasks, personnel transfers, and the changes required for information technology budgeting and cost allocation processes.

The information technology management study must include a review of:

1. The technology management processes of other states and private industry with respect to prioritizing state agency information technology budget requests, establishing information technology standards and policies, and overseeing information technology expenditures.
2. The role of other states in providing information technology services to nonstate government entities.
3. The level of information technology outsourcing in other state governments and the private sector and the applicability to the state of North Dakota.
4. The trends that will impact technology deployment and spending in the next five to ten years.
5. The level of coordination in the management of enterprise initiatives, such as the state wide area network, the enterprise resource planning system initiative, the geographic information systems initiative, and the criminal justice information sharing initiative, compared to other states, including a recommendation regarding the appropriate governance structure to provide the maximum benefits to the state.

SECTION 24. TRANSFER OF APPROPRIATION AUTHORITY BETWEEN LINE ITEMS. Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer shall make transfers of funds between line items for state agencies, departments, and institutions as may be requested to accommodate information technology funding reductions made by the fifty-eighth legislative assembly. The office of management and budget shall report to the budget section regularly on transfers made pursuant to this section.

SECTION 25. CONSOLIDATION OF HIGHER EDUCATION INFORMATION TECHNOLOGY FUNCTIONS. The North Dakota university system shall consolidate full-time equivalent employee positions relating to information technology services, including electronic mail, file and print server administration, data base administration, desktop personal computer support, disaster recovery, and application server and hosting services.

The North Dakota university system shall determine the number of full-time equivalent positions necessary to provide the related information technology functions to higher education institutions. The university system may employ the number of necessary employees and require all persons interested in filling the employee positions to apply with the system.

SECTION 26. HIGHER EDUCATION INFORMATION TECHNOLOGY FUNCTION CONSOLIDATION - ACCUMULATED SAVINGS - APPROPRIATION. The North Dakota university system shall achieve during the biennium beginning July 1, 2003, and ending June 30, 2005, efficiencies relating to required consolidation of information technology services, including electronic mail, file and print server administration, data base administration, desktop personal computer support, disaster recovery, and application server and hosting services. The North Dakota university system, through efficiencies resulting from this consolidation, shall achieve accumulated savings totaling \$2,000,000 for the 2003-05 biennium. The director of the office of management and budget shall transfer the savings accumulated as a result of these efficiencies in the amount of \$2,000,000 to the general fund by June 30, 2005.

SECTION 27. HIGHER EDUCATION INFORMATION TECHNOLOGY SERVICE - REPORTS TO THE INFORMATION TECHNOLOGY COMMITTEE AND THE BUDGET SECTION. The North Dakota university system shall document information relating to the delivery of the consolidated services to higher education institutions, including service dependability, higher education institution complaints, and university system responsiveness, and shall report that information to the information technology committee. The North Dakota university system shall also document information regarding the related savings from the consolidation and report on the status of the accumulated net savings to the information technology committee and the budget section as requested.

SECTION 28. TECHNOLOGY CRITICAL NEEDS POOL - BUDGET SECTION APPROVAL. The information technology critical needs pool appropriation included in section 1 of this Act is for addressing state agencies, departments, and institutions critical information technology needs. State agencies, departments, and institutions requesting critical needs funding shall submit a written request detailing the purpose and need for the funding to the chief information officer of the information technology department. Requests approved by the information technology department must be forwarded to the office of management and budget which shall transfer funding from the critical needs pool to agencies, departments, and institutions upon approval of the request by the budget section."

Page 4, line 8, overstrike "sixty-two" and insert immediately thereafter "sixty-six" and after "million" insert "six hundred forty-one thousand"

Page 4, line 10, overstrike "At the end of the 1995-97 biennium all revenue deposited in the"

Page 4, overstrike lines 11 through 13

Page 4, line 14, overstrike "permanent oil tax trust fund."

Page 4, line 19, overstrike "sixty-two" and insert immediately thereafter "sixty-six" and after "million" insert "six hundred forty-one thousand"

Page 4, remove lines 29 and 30

Page 5, replace lines 15 through 17 with:

"SECTION 32. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$30,000, or so much of the sum as may be necessary, to the legislative council for the biennium beginning July 1, 2003, and ending June 30, 2005, for the purpose of upgrading sound systems in the house and senate chambers.

SECTION 33. EXAMINATION OF MINERAL SEVERANCE TAX APPLICATION TO FEDERAL LANDS - REPORT TO LEGISLATIVE COUNCIL. During the 2003-04 interim, the tax commissioner shall cause an examination to be made of all mineral production from lands under the ownership or control of federal or quasi-federal entities, including farm credit services or its predecessor federal land bank, to assure that taxes imposed by chapters 57-51, 57-51.1, and 57-61 are being imposed, collected, and reported as required by law. The tax commissioner shall also ascertain whether mineral severance taxes are being imposed on these properties to the fullest extent allowed under section 5 of article X of the Constitution of North Dakota and recommend any legislation necessary to accomplish that objective. Before September 1, 2004, the tax commissioner shall report the findings and recommendations under this section, together with any legislation necessary to implement the recommendations, to a committee designated by the legislative council.

SECTION 34. 2005-07 EXECUTIVE BUDGET - STUDENT LOAN TRUST FUND. Any proposal to transfer or spend moneys from the student loan trust fund included as part of the 2005-07 biennium executive budget must be included in a separate bill introduced for consideration by the fifty-ninth legislative assembly.

SECTION 35. STATE AGENCY CONTINUING APPROPRIATIONS - REPORTS TO FIFTY-NINTH LEGISLATIVE ASSEMBLY. The head of each executive branch agency, institution, or department shall report during the budget presentation to the appropriations committees of the fifty-ninth legislative assembly on statutory provisions authorizing the agency, institution, or department to spend funds pursuant to a continuing appropriation. The report must include justification for continuing the authority, and expenditures made pursuant to the continuing appropriation and related revenues and fund balances for the 1999-2001 biennium, the 2001-03 biennium, the 2003-05 biennium to date, and projections for the 2005-07 biennium.

SECTION 36. CERTAIN APPROPRIATION BILLS - EXECUTIVE BUDGET RECOMMENDATION. Notwithstanding North Dakota Century Code section 54-44.1-06, the legislative council shall submit for introduction to the fifty-ninth legislative assembly the 2005-07 appropriation bills for the department of public instruction, department of corrections and rehabilitation, state treasurer, and secretary of state based on the same funding amounts, line items, and employee levels authorized by the fifty-eighth legislative assembly for the 2003-05 biennium. Any budget changes recommended by the office of the budget for these departments for the 2005-07 biennium must be presented to the appropriations committees of the fifty-ninth legislative assembly as a recommendation for amendment to the bill as introduced.

SECTION 37. STATE EMPLOYEE REDUCTIONS - BUDGET SECTION REPORT. The number of full-time equivalent state employees must be reduced by employee retirements, employee turnover, and vacant employee positions during the biennium beginning July 1, 2003, and ending June 30, 2005, as follows:

Executive branch agencies and the office of the governor, excluding other offices of state elected officials and higher education	155
State elected officials, excluding the governor	13
Judicial branch	8
Legislative branch	.6

One-half of this total reduction must be accomplished by December 31, 2003. The additional reductions must be accomplished by December 31, 2004. Agencies shall report employee positions eliminated to the office of management and budget. The office of management and budget shall provide periodic reports on the employee positions eliminated by agency to the budget section of the legislative council.

SECTION 38. CONTINGENT APPROPRIATION - STATE EMPLOYEE COMPENSATION - JANUARY 1, 2004. The sums hereinafter listed, or so much thereof as may be necessary, are appropriated from the general fund and from special funds or moneys derived from federal funds or other income in the state treasury, not

otherwise appropriated, as indicated to the agencies and institutions of state government for the purpose of providing compensation adjustments to employees of the various agencies and institutions in accordance with section 40 of this Act for the period beginning January 1, 2004, and ending June 30, 2005. These moneys may be spent only if the office of management and budget certifies to the governor, legislative council, and supreme court that agencies have eliminated at least eighty-eight full-time equivalent positions by December 31, 2003, as provided in section 37 of this Act.

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$13,572		\$13,572
Secretary of state	13,224		13,224
Office of management and budget	70,834	\$16,253	87,087
Information technology department	11,280	181,549	192,829
State auditor	25,958	11,890	37,848
State treasurer	3,899		3,899
Attorney general	103,892	12,083	115,975
Tax commissioner	81,319		81,319
Administrative hearings office		6,313	6,313
Legislative council	27,319		27,319
Judicial branch	185,145	1,492	186,637
Retirement and investment office		11,578	11,578
Public employees retirement system		16,439	16,439
Department of public instruction	21,665	39,170	60,835
University system office	21,712		21,712
Board of university and school lands		12,119	12,119
Forest service	10,904		10,904
State library	12,073	470	12,543
School for the deaf	29,682		29,682
Vision services - school for the blind	14,245	1,763	16,008
Board for career and technical education	18,854	424	19,278
State department of health	66,663	129,890	196,553
Veterans home	30,591	13,013	43,604
Indian affairs commission	2,098		2,098
Department of veterans' affairs	2,507	204	2,711
Children's services coordinating committee		357	357
Department of human services	778,884	347,569	1,126,453
Protection and advocacy project	6,600	8,499	15,099
Job service North Dakota	571	213,139	213,710
Insurance commissioner		31,107	31,107
Industrial commission	37,476	3,811	41,287
Labor commissioner	4,700	1,511	6,211
Public service commission	20,627	11,169	31,796
Aeronautics commission		4,256	4,256
Department of financial institutions		18,789	18,789
Securities commissioner	6,252		6,252
Bank of North Dakota		106,049	106,049
Housing finance agency		25,294	25,294
Workers compensation bureau		151,377	151,377
Highway patrol	86,856	37,777	124,633
Division of emergency management	4,702	7,206	11,908
Department of corrections and rehabilitation	345,529	30,933	376,462
Adjutant general	25,680	57,382	83,062
Department of commerce	34,170	11,300	45,470
Agriculture commissioner	19,545	16,281	35,826
Seed department		16,145	16,145
Upper great plains transportation institute	2,523	29,432	31,955
Branch research centers	44,713	9,356	54,069
NDSU extension service	112,216	70,775	182,991
Northern crops institute	3,830	3,051	6,881
Main research station	203,651	91,849	295,500
Agronomy seed farm		2,088	2,088
Historical society	31,843		31,843
Council on the arts	2,753		2,753
Game and fish department		99,070	99,070
Parks and recreation department	24,542	1,054	25,596

Water commission	58,829	1,107	59,936
Department of transportation	<u> </u>	<u>617,865</u>	<u>617,865</u>
Total	\$2,623,928	\$2,480,248	\$5,104,176

SECTION 39. CONTINGENT APPROPRIATION - STATE EMPLOYEE COMPENSATION - JANUARY 1, 2005. The sums hereinafter listed, or so much thereof as may be necessary, are appropriated from the general fund and from special funds or moneys derived from federal funds or other income in the state treasury, not otherwise appropriated, as indicated to the agencies and institutions of state government for the purpose of providing compensation adjustments to employees of the various agencies and institutions in accordance with section 40 of this Act for the period beginning January 1, 2005, and ending June 30, 2005. These moneys may be spent only if the office of management and budget certifies to the governor, legislative council, and supreme court that agencies have eliminated at least one hundred seventy-six and six-tenths full-time equivalent positions by December 31, 2004, as provided in section 37 of this Act.

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$9,021		\$9,021
Secretary of state	8,757		8,757
Office of management and budget	46,955	\$10,763	57,718
Information technology department	7,471	120,273	127,744
State auditor	17,191	7,873	25,064
State treasurer	2,581		2,581
Attorney general	68,802	8,001	76,803
Tax commissioner	53,866		53,866
Administrative hearings office		4,181	4,181
Legislative council	18,199		18,199
Judicial branch	125,088	994	126,082
Retirement and investment office		7,712	7,712
Public employees retirement system		10,924	10,924
Department of public instruction	14,348	25,940	40,288
University system office	14,582		14,582
Board of university and school lands		8,025	8,025
Forest service	7,221		7,221
State library	7,996	311	8,307
School for the deaf	18,591		18,591
Vision services - school for the blind	9,434	1,168	10,602
Board for career and technical education	12,485	281	12,766
State department of health	44,223	86,044	130,267
Veterans home	20,264	8,617	28,881
Indian affairs commission	1,389		1,389
Department of veterans' affairs	1,660	135	1,795
Children's services coordinating committee		237	237
Department of human services	516,164	230,273	746,437
Protection and advocacy project	4,371	5,628	9,999
Job service North Dakota	378	141,153	141,531
Insurance commissioner		20,601	20,601
Industrial commission	24,855	2,524	27,379
Labor commissioner	3,112	1,001	4,113
Public service commission	13,660	7,396	21,056
Aeronautics commission		2,819	2,819
Department of financial institutions		12,538	12,538
Securities commissioner	4,140		4,140
Bank of North Dakota		70,314	70,314
Housing finance agency		17,231	17,231
Workers compensation bureau		100,358	100,358
Highway patrol	57,521	25,018	82,539
Division of emergency management	3,114	4,772	7,886
Department of corrections and rehabilitation	228,828	20,485	249,313
Adjutant general	17,093	38,001	55,094
Department of commerce	22,707	7,483	30,190
Agriculture commissioner	12,943	10,783	23,726
Seed department		12,023	12,023
Upper great plains transportation	1,718	19,554	21,272

institute			
Branch research centers	24,957	6,196	31,153
NDSU extension service	74,225	46,897	121,122
Northern crops institute	2,570	2,021	4,591
Main research station	110,489	60,566	171,055
Agronomy seed farm		1,383	1,383
Historical society	21,088		21,088
Council on the arts	1,824		1,824
Game and fish department		65,609	65,609
Parks and recreation department	16,254	699	16,953
Water commission	38,959	734	39,693
Department of transportation		<u>409,288</u>	<u>409,288</u>
Total	\$1,711,094	\$1,644,827	\$3,355,921

SECTION 40. LEGISLATIVE INTENT - CONTINGENT STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES. It is the intent of the fifty-eighth legislative assembly that 2003-05 compensation adjustments for permanent state employees are to be increases of one percent, beginning with the month of January 2004, to be paid in February 2004, contingent on the elimination of at least eighty-eight full-time equivalent positions by December 31, 2003, as provided in sections 37 and 38 of this Act and two percent, beginning with the month of January 2005, to be paid in February 2005, contingent on the elimination of at least one hundred seventy-six and six-tenths full-time equivalent positions by December 31, 2004, as provided in sections 37 and 39 of this Act.

Employees whose documented performance levels do not meet standards are not eligible for the general increases.

Probationary employees are not entitled to the general increases. However, probationary employees may be given all or a portion of the increases upon completion of probation, at the discretion of the appointing authority.

During the biennium, no salary increase other than the one percent in January 2004 and the two percent in January 2005 may be given to an employee whose salary exceeds or would exceed the salary range maximum.

SECTION 41. LEGISLATIVE COUNCIL STUDY - PUBLIC EMPLOYEE HEALTH INSURANCE BENEFITS. The legislative council shall consider studying, during the 2003-05 interm, public employee health insurance benefits. If conducted, the study must include options for providing health insurance for state employees, review of the availability of other health insurance plans, single versus family coverage, employee contributions, and unitization of premium rates for budgeting purposes. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

SECTION 42. SPECIFIED EXEMPT COMMODITIES AND SERVICES - REPORT TO THE BUDGET SECTION. The director of the office of management and budget shall report to the budget section in December of even-numbered years on specified commodities and services exempted by written directive of the director from the procurement requirements of chapter 54-44.4.

SECTION 43. EMERGENCY. Section 23 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Office of Management and Budget				
Total all funds	\$27,826,739	\$27,778,694	\$95,153	\$27,873,847
Less estimated income	<u>7,918,764</u>	<u>7,891,748</u>	<u>(3,272)</u>	<u>7,888,476</u>
General fund	\$19,907,975	\$19,886,946	\$98,425	\$19,985,371
Legislative Council - System upgrade and study				
Total all funds	\$0	\$0	\$380,000	\$380,000

Less estimated income				
General fund	\$0	\$0	\$380,000	\$380,000
All agencies - Contingent salary increases				
Total all funds	\$0	\$0	\$8,460,097	\$8,460,097
Less estimated income			4,125,075	4,125,075
General fund	\$0	\$0	\$4,335,022	\$4,335,022
Bill Total				
Total all funds	\$27,826,739	\$27,778,694	\$8,935,250	\$36,713,944
Less estimated income	7,918,764	7,891,748	4,121,803	12,013,551
General fund	\$19,907,975	\$19,886,946	\$4,813,447	\$24,700,393

Senate Bill No. 2015 - Office of Management and Budget - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$15,549,754	\$15,404,949	(\$16,718)	\$15,388,231
Operating expenses	11,364,985	11,461,745	(888,129)	10,573,616
Capital assets	733,000	733,000		733,000
Grants	179,000	179,000		179,000
Technology critical needs pool			1,000,000	1,000,000
Total all funds	\$27,826,739	\$27,778,694	\$95,153	\$27,873,847
Less estimated income	7,918,764	7,891,748	(3,272)	7,888,476
General fund	\$19,907,975	\$19,886,946	\$98,425	\$19,985,371
FTE	162.00	162.00	0.00	162.00

Dept. 110 - Office of Management and Budget - Detail of House Changes

	REMOVES FUNDING FOR WASHINGTON LOBBYIST ¹	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ²	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ³	PROVIDES FUNDING FOR TECHNOLOGY CRITICAL NEEDS POOL ⁴	TOTAL HOUSE CHANGES
Salaries and wages		(\$16,718)			(\$16,718)
Operating expenses	(\$120,000)		(\$768,129)		(888,129)
Capital assets					
Grants					
Technology critical needs pool				\$1,000,000	1,000,000
Total all funds	(\$120,000)	(\$16,718)	(\$768,129)	\$1,000,000	\$95,153
Less estimated income		(3,272)			(3,272)
General fund	(\$120,000)	(\$13,446)	(\$768,129)	\$1,000,000	\$98,425
FTE	0.00	0.00	0.00	0.00	0.00

¹ This amendment removes \$120,000 from the general fund for funding a lobbyist in Washington, D.C.

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

³ This amendment reduces funding for information technology by \$768,129 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 20 percent.

⁴ This amendment provides funding of \$1 million from the general fund for a technology critical needs pool to address areas of critical technology needs. State agencies, departments, and institutions interested in obtaining critical needs funding must submit a written request detailing the purpose and need to the Information Technology Department, and the Office of Management and Budget may transfer funding from the pool to agencies, departments, and institutions upon approval of requests by the Budget Section.

The House amendment reduces the 2003-05 biennium transfer from the lands and minerals trust fund to the general fund from \$3 million to \$2 million and limits the transfer from the permanent oil tax trust fund to the general fund to \$14.3 million.

The House provided a \$30,000 general fund appropriation to the Legislative Council for upgrading the sound systems in the House and Senate chambers.

The House changed the membership and continued the Electric Industry Competition Committee through August 1, 2007.

The House amended North Dakota Century Code (NDCC) Section 54-44.1-06 to provide for the budget data presented by the director of the budget to include in the general fund budget status any deficiency appropriation relating to general fund expenditures for the current biennium.

The House removed the section in the bill providing for a contingent transfer of up to \$25 million of earnings and accumulated and undivided profits of the Bank of North Dakota to the general

fund if general fund revenue collections will not meet revenues as forecasted in the March 2003 legislative forecast for the 2003-05 biennium.

The House amended NDCC Section 57-51.1-07.2 to provide that at the end of any biennium oil and gas production and extraction tax collections during any biennium in excess of \$66,641,000, rather than \$62 million, be transferred from the general fund to the permanent oil tax trust fund. This amendment would be effective starting with the 2003-05 biennium.

The House amended NDCC Section 54-44.1-12 to provide that any allotment ordered by the Governor must be made to the extent necessary to address any projected deficiency appropriations for agencies receiving moneys from the fund.

The House added a section providing for the Tax Commissioner to examine all mineral production from lands under the ownership or control of federal or quasi-federal entities to assure mineral severance taxes are being imposed, collected, and reported as required by law. The Tax Commissioner is to report the findings and recommendations from the examination to a committee designated by the Legislative Council.

The House added a section requiring the Governor to submit any proposal to spend or transfer moneys from the student loan trust fund included as part of the 2005-07 biennium budget in a separate bill.

The House added a section requiring executive branch agencies to report to the Appropriations Committees during the 2005 legislative session regarding expenditures made pursuant to continuing appropriations and justification for needing the continuing appropriation authority.

The House provided that the 2005-07 budgets for four agencies--the Department of Public Instruction, Department of Corrections and Rehabilitation, State Treasurer, and Secretary of State--be prepared based on the 2003-05 biennium budget as approved by the Legislative Assembly.

The House added sections providing for a reduction of 176.6 FTE positions during the 2003-05 biennium and providing for contingent state employee salary increases of 1 percent in January 2004 and 2 percent in January 2005.

The House added a section for a Legislative Council study of public employee health insurance benefits.

The House added a section for a report to the Budget Section on specified exempt commodities and services relating to procurement requirements in NDCC Chapter 54-44.4.

The House added sections providing for the establishment of an information technology advisory committee, to provide for an information technology consolidation study, to provide for consolidation of information technology positions and functions, and to recognize general fund revenue related to accumulated information technology savings of \$4 million from the Information Technology Department and \$2 million from the North Dakota University System to be transferred to the general fund.

Senate Bill No. 2015 - Legislative Council - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages				
Operating expenses			<u>\$380,000</u>	<u>\$380,000</u>
Total all funds	\$0	\$0	\$380,000	\$380,000
Less estimated income				
General fund	\$0	\$0	\$380,000	\$380,000
FTE	0.00	0.00	0.00	0.00

Dept. 160 - Legislative Council - Detail of House Changes

	PROVIDES FUNDING FOR UPGRADING SOUND SYSTEM ¹	PROVIDES FUNDING FOR INFORMATION TECHNOLOGY STUDY	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses	<u>\$30,000</u>	<u>\$350,000</u>	<u>\$380,000</u>

Total all funds	\$30,000	\$350,000	\$380,000
Less estimated income	_____	_____	_____
General fund	\$30,000	\$350,000	\$380,000
FTE	0.00	0.00	0.00

¹ This amendment adds a section to the bill providing a \$30,000 general fund appropriation to the Legislative Council for upgrading the sound systems in the House and Senate chambers.

Senate Bill No. 2015 - All agencies - House Action

Sections are added providing for a reduction of 176.6 FTE positions during the 2003-05 biennium and providing for contingent state employee salary increases of 1 percent in January 2004 and 2 percent in January 2005. Funding of \$8,460,097, of which \$4,335,022 is from the general fund is added for all agencies.

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

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide for various transfers and financial transactions; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to create and enact two new sections to chapter 54-59 of the North Dakota Century Code, relating to required information technology services and duties of the information technology department; to amend and reenact sections 54-35-18, 54-35-18.1, and 54-35-18.2, subsection 2 of section 54-44.1-06, and sections 54-44.1-12, 54-59-05, 54-59-09, and 57-51.1-07.2 of the North Dakota Century Code, relating to the electric industry competition committee, preparation of budget data, budget allotments, powers and duties of the information technology department, information technology standards, and payments into the permanent oil tax trust fund; to prohibit the payment of bonuses or temporary salary adjustments for extra working hours because of the legislative session; to provide legislative intent; to require an examination of mineral severance tax application to federal lands and lands of quasi-federal entities; to require reports to the legislative assembly; to provide an exception to section 54-44.1-06 of the North Dakota Century Code, relating to the preparation of certain appropriation bills; to provide for reports to the budget section; to provide for legislative council studies; to provide for the transfer of state agency information technology positions; to provide for the transfer of higher education information technology functions; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 56 YEAS, 32 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Berg; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kreidt; Kretschmar; Meier; Monson; Nelson; Nicholas; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser

NAYS: Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Glassheim; Gulleon; Hanson; Hunskor; Keiser; Kerzman; Klemin; Kroeber; Maragos; Martinson; Metcalf; Mueller; Niemeier; Nottestad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Belter; Bernstein; Froelich; Kelsh, S.; Norland; Onstad

Engrossed SB 2015, as amended, passed, the title was agreed to, but the emergency clause lost.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1023.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1023

Page 1, line 2, after "for" insert "the", replace "projects" with "project", and replace "various state" with "the department of corrections and rehabilitation;"

Page 1, line 3, remove "departments and institutions; and"

Page 1, line 4, after "projects" insert "; to provide for a legislative council study; and to declare an emergency"

Page 1, line 20, replace "2,662,890" with "2,662,890"

Page 1, after line 21, insert:
 "Department of corrections and rehabilitation - 430,000
 State hospital nurses' building renovation

Page 1, line 22, replace "4,237,755" with "4,667,755"

Page 2, line 16, replace "105,326" with "105,326"

Page 2, remove lines 18 and 19

Page 2, line 20, replace "3,134,517" with "105,326"

Page 2, after line 20, insert:

"SECTION 3. LEGISLATIVE COUNCIL STUDY - CAPITAL CONSTRUCTION LEASE PAYMENT LIMITATION. The legislative council shall consider studying, during the 2003-04 interim, the provisions of section 54-17.2-23 of the North Dakota Century Code regarding the statutory limitation on the amount of capital construction lease payments paid from the general fund and the effect of increasing the percentage limitation. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a section to the bill to provide for a Legislative Council study of the statutory capital construction lease payment limitation and adds a section to the bill to declare this Act an emergency measure.

House Bill No. 1023 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
University System office				
Total all funds	\$3,029,191	\$3,029,191	(\$3,029,191)	\$0
Less estimated income	<u>3,029,191</u>	<u>3,029,191</u>	<u>(3,029,191)</u>	
General fund	\$0	\$0	\$0	\$0
State Department of Health				
Total all funds	\$1,574,865	\$1,574,865	\$0	\$1,574,865
Less estimated income	<u>1,574,865</u>	<u>1,574,865</u>		<u>1,574,865</u>
General fund	\$0	\$0	\$0	\$0
Department of Corrections and Rehabilitation				
Total all funds	\$2,768,216	\$2,768,216	\$430,000	\$3,198,216
Less estimated income	<u>2,768,216</u>	<u>2,768,216</u>	<u>430,000</u>	<u>3,198,216</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$7,372,272	\$7,372,272	(\$2,599,191)	\$4,773,081
Less estimated income	<u>7,372,272</u>	<u>7,372,272</u>	<u>(2,599,191)</u>	<u>4,773,081</u>
General fund	\$0	\$0	\$0	\$0

House Bill No. 1023 - University System Office - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Capital assets	<u>\$3,029,191</u>	<u>\$3,029,191</u>	<u>(\$3,029,191)</u>	
Total all funds	\$3,029,191	\$3,029,191	(\$3,029,191)	\$0

Less estimated income	<u>3,029,191</u>	<u>3,029,191</u>	<u>(3,029,191)</u>	_____
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 215 - University System Office - Detail of Senate Changes

	REMOVES FUNDING FOR STATE FACILITY ENERGY IMPROVEMENT PROJECTS ¹	TOTAL SENATE CHANGES
Capital assets	<u>(\$3,029,191)</u>	<u>(\$3,029,191)</u>
Total all funds	<u>(\$3,029,191)</u>	<u>(\$3,029,191)</u>
Less estimated income	<u>(3,029,191)</u>	<u>(3,029,191)</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment removes the state facility energy improvement projects for the University System, which consisted of North Dakota State University sundry projects of \$1,077,977 and University of North Dakota sundry projects of \$1,951,214.

House Bill No. 1023 - Department of Corrections and Rehabilitation - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Capital assets	<u>\$2,768,216</u>	<u>\$2,768,216</u>	<u>\$430,000</u>	<u>\$3,198,216</u>
Total all funds	<u>\$2,768,216</u>	<u>\$2,768,216</u>	<u>\$430,000</u>	<u>\$3,198,216</u>
Less estimated income	<u>2,768,216</u>	<u>2,768,216</u>	<u>430,000</u>	<u>3,198,216</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 530 - Department of Corrections and Rehabilitation - Detail of Senate Changes

	ADDS FUNDING FOR NURSES' BUILDING RENOVATION ¹	TOTAL SENATE CHANGES
Capital assets	<u>\$430,000</u>	<u>\$430,000</u>
Total all funds	<u>\$430,000</u>	<u>\$430,000</u>
Less estimated income	<u>430,000</u>	<u>430,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment adds funding for the Department of Corrections and Rehabilitation for the renovation of the State Hospital nurses' building, which consists of \$242,000 for a sprinkling system and remodeling, and \$188,000 for installation of air-conditioning.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1489.**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489**

Page 4, line 3, replace "elementary" with "early"

Page 4, line 27, replace "six" with "eight"

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

Page 5, line 31, remove "(1)"

Page 6, remove lines 1 through 14

Page 6, line 15, remove "(1)"

Page 6, remove lines 16 through 25

Page 6, line 26, remove "academic areas:"

Page 6, line 27, after "a" insert "major in a" and remove "major"

Page 7, remove lines 7 through 12

Page 7, line 15, replace "seven" with "nine"

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass: HB 1387.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3079.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2154 and SB 2311 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2154: Sens. Freborg; Flakoll; Christenson

SB 2311: Sens. Wardner; Urlacher; Nichols

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

MR. SPEAKER: The Senate has passed unchanged: HB 1504.

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 2194, SB 2337, and SB 2409.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1014.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2154.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2013, SB 2416.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2335.

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

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

SB 2001: Reps. Koppelman; Thoreson; Warner

SB 2002: Reps. Thoreson; Koppelman; Warner

SB 2003: Reps. Carlisle; Timm; Warner

SB 2004: Reps. Skarphol; Timm; Glassheim

SB 2005: Reps. Carlson; Thoreson; Kroeber

SB 2007: Reps. Koppelman; Thoreson; Kroeber

SB 2008: Reps. Koppelman; Carlson; Glassheim

SB 2009: Reps. Carlson; Skarphol; Warner

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

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

SB 2010: Reps. Timm; Carlisle; Glassheim

SB 2016: Reps. Skarphol; Carlson; Kroeber

SB 2019: Reps. Carlson; Carlisle; Kroeber

SB 2020: Reps. Martinson; Rennerfeldt; Aarsvold

SB 2021: Reps. Martinson; Monson; Gulleon

SB 2022: Reps. Wald; Rennerfeldt; Gulleon

SB 2083: Reps. Weisz; Price; Sandvig

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1001, HB 1002, HB 1004, HB 1007, HB 1010, HB 1013, and HB 1017 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1001: Reps. Martinson; Brusegaard; Aarsvold
HB 1002: Reps. Koppelman; Carlisle; Warner
HB 1004: Reps. Kempenich; Bellew; Kerzman
HB 1007: Reps. Kempenich; Delzer; Metcalf
HB 1010: Reps. Bellew; Kempenich; Kerzman
HB 1013: Reps. Koppelman; Thoreson; Kroeber
HB 1017: Reps. Wald; Brusegaard; Gulleson

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause failed: SB 2015.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1438.

REPORT OF CONFERENCE COMMITTEE

HB 1043, as engrossed: Your conference committee (Sens. Dever, Krebsbach, Nelson and Reps. Grande, Klemin, Winrich) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 892-893, adopt further amendments as follows, and place HB 1043 on the Seventh order:

That the House accede to the Senate amendments as printed on pages 892 and 893 of the House Journal and pages 702 and 703 of the Senate Journal and that Engrossed House Bill No. 1043 be further amended as follows:

Page 1, line 1, after "to" insert "create and enact two new subsections to section 54-59-05 of the North Dakota Century Code, relating to powers and duties of the information technology department; and to", after "reenact" insert "sections 54-35-15.1 and 54-59-02,", and after "54-59-05" insert a comma

Page 1, line 2, after "to" insert "the information technology committee, information technology department responsibilities,"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 54-35-15.1 of the North Dakota Century Code is amended and reenacted as follows:

54-35-15.1. Information technology committee - Appointment. The legislative council, during each biennium, shall appoint an information technology committee in the same manner as the council appoints other interim committees. The council shall appoint ~~four~~ six members of the house of representatives and ~~three~~ five members of the senate to the committee. The chief information officer of the state is an ex officio, nonvoting member of the committee. The council shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative council interim committees.

SECTION 2. AMENDMENT. Section 54-59-02 of the North Dakota Century Code is amended and reenacted as follows:

54-59-02. Information technology department - Responsibility. The information technology department is established with the responsibility for all wide area network services planning, selection, and implementation for all state agencies, including institutions under the control of the board of higher education, counties, cities, and school districts in this state. With respect to a county, city, or school district, wide area network services are those services necessary to transmit voice, data, or video outside the county, city, or school district. In exercising its powers and duties, the department is responsible for computer support services, host software development, statewide communications services, standards for providing information to other state agencies and the public through the internet, technology planning, process redesign, and quality assurance. The department may not exercise its powers and duties in a manner that competes or otherwise interferes with the provision of telecommunications service to a private, charitable, or nonprofit entity by a privately or cooperatively owned telecommunications company.

Page 2, after line 6, insert:

"SECTION 4. Two new subsections to section 54-59-05 of the North Dakota Century Code are created and enacted as follows:

May provide wide area network services to a state agency, city, county, school district, or other political subdivision of this state. The information technology department may not provide wide area network service to any private, charitable, or nonprofit entity except the information technology department may continue to provide the wide area network service the department provided to the private, charitable, and nonprofit entities receiving services from the department on January 1, 2003. The department shall file with the state auditor before September 1, 2003, a description of the wide area network service the department provided to each private, charitable, and nonprofit entity receiving services from the department on January 1, 2003.

Shall assure proper measures for security, firewalls, and internet protocol addressing at the state's interface with other facilities."

Renumber accordingly

Engrossed HB 1043 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1123, as engrossed: Your conference committee (Sens. Erbele, Fischer, Fairfield and Reps. Pollert, Devlin, Potter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1109, adopt further amendments as follows, and place HB 1123 on the Seventh order:

That the Senate recede from its amendments as printed on page 1109 of the House Journal and pages 911 and 954 of the Senate Journal and that Engrossed House Bill No. 1123 be amended as follows:

Page 1, line 2, after the second "officer" insert "; and to declare an emergency"

Page 1, line 11, replace "The deputy state health officer must hold, at a minimum," with "A deputy state health officer who does not hold a health-related degree may not individually issue an order regarding public health unless the order is cosigned by a physician who is employed by the department or cosigned by the state epidemiologist"

Page 1, line 12, remove "a baccalaureate degree in a health-related field, such as epidemiology or public health"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1123 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1158: Your conference committee (Sens. Klein, Seymour, Erbele and Reps. Belter, Kreidt, Froelich) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1012, adopt further amendments as follows, and place HB 1158 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1012 of the House Journal and page 851 of the Senate Journal and that House Bill No. 1158 be further amended as follows:

Page 1, line 1, after "reenact" insert "section 4-28-03," and after "19-18-02" insert a comma

Page 1, line 4, after the first "to" insert "wheat commission membership and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 4-28-03 of the North Dakota Century Code is amended and reenacted as follows:

4-28-03. Wheat commission - Members. There is hereby created the North Dakota state wheat commission which consists of seven members. One member must be appointed or elected from each of the districts of the state established by the

provisions of this chapter and one member must be appointed or elected from the state at large. Each member, except the member from the state at large, must be a bona fide resident of and a qualified elector in the district the member represents, must have farming operations in such district, and must have been actually engaged in the production of wheat and have derived a substantial portion of the member's income therefrom for at least five years next preceding the member's appointment or election. The member from the state at large must have similar qualifications except as limited by district lines.

Not more than sixty days prior to expiration of the term of the member from the state at large, a nominating committee consisting of the agriculture commissioner, the president of the North Dakota crop improvement association, the director of the North Dakota agricultural experiment station, the director of the North Dakota state university extension service, the president of the North Dakota farm bureau, the president of the North Dakota farmers union, ~~and~~ the president of the North Dakota grain dealers association, the president of the North Dakota grain growers association, and an individual who is a resident of this state and a member of the United States durum growers association, or their duly authorized representatives, shall submit to the governor a list of three names and within sixty days after expiration of the term the governor shall appoint, from the nominees so named, the member at large to the commission.

Each member of the commission shall hold office for a term of four years and until the member's successor has been selected and has qualified except that the commissioners elected and serving from the first and fourth districts shall hold office for terms ending on June 30, 1984; the commissioners elected and serving from the second and fifth districts shall hold office for terms ending on June 30, 1985; and the commissioners elected and serving from the third and sixth districts shall hold office for terms ending on June 30, 1982; and the commissioner appointed and serving as the state at large member shall hold office for a term ending on June 30, 1983. No producer is entitled to serve more than three terms.

At least sixty days prior to the expiration of the term of office of a commissioner representing any district, a meeting of producers must be held in each county in the district for the purpose of electing a county representative. The county agent shall call such meeting by publishing notice in the official newspaper of the county for two successive weeks, the last publication to be not less than five nor more than ten days prior to the meeting. The meeting must be held at a central location within the county and must be called to order by the county agent. The county agent, in cooperation with the cooperative extension service, shall conduct all elections under this section in each county in the manner the county agent deems fair and reasonable. Votes must be canvassed by the county agent and certified by the county agent with the name and post-office address of the elected county representative to the director of the North Dakota state university extension service who shall thereupon, as expeditiously as possible, call a meeting of the county representatives of the district. Notice of such meeting must be sent to each county representative by registered or certified mail not less than five days prior to the meeting which must be held at a central location within the district. At such district meeting, the county representatives shall elect one of their number as the district member of the commission. The ballots at such meeting must be canvassed by the North Dakota state university extension service and the result of election certified to the governor by the director. Additional meetings of county representatives may be called by the state wheat commission for the purpose of promoting its programs. All expenses of all such meetings and elections must be paid from commission funds. County representatives must be reimbursed for expenses necessarily incurred in attending meetings and performing other official duties on the same basis as other state officers. Any vacancy occurring on the commission other than by expiration of term of office must be filled by the county representatives who shall elect one of their number as the district member of the commission for the remainder of the unexpired term. If the vacancy is from the state at large, appointment must be made from three nominations submitted by the nominating committee as in the case of the original appointment."

Page 7, line 21, replace "Section 3" with "Sections 1 and 4" and replace "is" with "are"

Renumber accordingly

HB 1158 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1190, as engrossed: Your conference committee (Sens. Klein, Mutch, Every and Reps. Severson, Tieman, Thorpe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1142-1142 and place HB 1190 on the Seventh order.

Engrossed HB 1190 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1218, as engrossed: Your conference committee (Sens. Lyson, Traynor, Every and Reps. Drovdal, F. Klein, Solberg) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 834-835, adopt further amendments as follows, and place HB 1218 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1002 and 1003 of the House Journal and pages 834 and 835 of the Senate Journal and that Engrossed House Bill No. 1218 be amended as follows:

Page 1, line 3, replace "lessees" with "owners"

Page 1, line 8, overstrike "a"

Page 1, line 9, overstrike "lessee owning" and insert immediately thereafter "the owner of"

Page 1, line 10, overstrike "lessee's" and insert immediately thereafter "owner's"

Page 1, line 12, overstrike "lessee" and insert immediately thereafter "owner" and remove the overstrike over "~~The~~" and insert immediately thereafter "recovery of a risk penalty is as follows:"

a."

Page 1, line 13, replace "lessee's" with "owner's"

Page 1, line 15, overstrike "lessee's" and insert immediately thereafter "owner's"

Page 1, line 18, overstrike "No risk penalty may be assessed against an unleased"

Page 1, line 19, overstrike "mineral interest." and insert immediately thereafter:

"b. If the nonparticipating owner's interest in the spacing unit is not subject to a lease or other contract for development, the risk penalty is fifty percent of the nonparticipating owner's share of the reasonable actual costs of drilling and completing the well and may be recovered out of production from the pooled spacing unit, as provided by section 38-08-10, exclusive of any royalty provided for in subsection 1.

c. The owner paying for the nonparticipating owner's share of the drilling and operation of a well may recover from the nonparticipating owner a risk penalty for the risk involved in drilling and completing the well only if the paying owner has made an unsuccessful, good-faith attempt to have the unleased nonparticipating owner execute a lease or to have the leased nonparticipating owner join in and participate in the risk and cost of drilling the well. Before a risk penalty may be imposed, the paying owner must notify the nonparticipating owner with proof of service that the paying owner intends to impose a risk penalty and that the nonparticipating owner may object to the risk penalty by either responding in opposition to the petition for a risk penalty or if no such petition has been filed, by filing an application or request for hearing with the industrial commission."

Page 2, line 5, overstrike "lessees" and insert immediately thereafter "owners"

Page 2, line 7, replace "lessee" with "owner"

Page 2, line 8, replace "lessee" with "owner"

Page 2, line 9, replace "If the nonparticipating lessee's" with "The recovery of the risk penalty is as follows:"

a. If the nonparticipating owner's"

Page 2, line 11, replace "lessee's" with "owner's"

Page 2, after line 13, insert:

- "b. If the nonparticipating owner's interest in the unit is not subject to a lease or other contract for development, the penalty is fifty percent of the nonparticipating owner's share of the unit expense and may be recovered out of production from the unit exclusive of any royalty provided for in section 38-08-09.13.
- c. The owner paying for the nonparticipating owner's share of the unit expense may recover from the nonparticipating owner a risk penalty for the risk involved in the unit expense only if the paying owner has made an unsuccessful, good-faith attempt to have the unleased nonparticipating owner execute a lease or to have the leased nonparticipating owner join in and participate in the risk of the unit expense. Before a risk penalty may be imposed, the paying owner must notify the nonparticipating owner with proof of service that the paying owner intends to impose a risk penalty and that the nonparticipating owner may object to the risk penalty by either responding in opposition to the petition for a risk penalty or if no such petition has been filed, by filing an application or request for hearing with the industrial commission."

Renumber accordingly

Engrossed HB 1218 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1223, as engrossed: Your conference committee (Sens. Fischer, Tollefson, Every and Reps. Porter, F. Klein, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1108-1223, adopt amendments as follows, and place HB 1223 on the Seventh order:

That the Senate recede from its amendments as printed on page 1108 of the House Journal and page 971 of the Senate Journal and that Engrossed House Bill No. 1223 be amended as follows:

Page 1, line 7, after the boldfaced period insert "The open or lawful season on pheasant and the open or lawful season on duck may not commence on the same weekend."

Page 1, line 8, replace "on" with "and the season may not commence earlier than"

Renumber accordingly

Engrossed HB 1223 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1255, as engrossed: Your conference committee (Sens. Espgaard, Mutch, Bercier and Reps. Dosch, Galvin, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 892, adopt amendments as follows, and place HB 1255 on the Seventh order:

That the Senate recede from its amendments as printed on page 1079 of the House Journal and page 892 of the Senate Journal and that Engrossed House Bill No. 1255 be amended as follows:

Page 1, line 8, overstrike "Every" and insert immediately thereafter "A", overstrike "No person" and insert immediately thereafter "An individual", and after "may" insert "not"

Page 1, line 12, overstrike "every" and insert immediately thereafter "a"

Page 1, line 13, overstrike "so"

Page 1, line 15, overstrike "Every" and insert immediately thereafter "The"

Page 1, line 17, overstrike "A person" and insert immediately thereafter "An individual"

Page 1, line 19, overstrike "window or"

Page 1, line 21, after "percent" insert "or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent"

Page 1, line 23, overstrike ", nor to front side windows displaying transparent"

Page 2, line 1, overstrike "sunscreening material", remove "from sunrise to sunset", and overstrike "as authorized by competent medical"

Page 2, line 2, overstrike "authority" and remove "and meeting the requirements of subsection 5"

Page 2, remove lines 3 through 8

Renumber accordingly

Engrossed HB 1255 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1391, as engrossed: Your conference committee (Sens. Tollefson, Traynor, Heitkamp and Reps. DeKrey, D. Johnson, Solberg) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1107-874, adopt further amendments as follows, and place HB 1391 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1107 of the House Journal and page 874 of the Senate Journal and that Engrossed House Bill No. 1391 be further amended as follows:

Page 1, line 2, after "fees" insert "; and to declare an emergency"

Page 5, after line 7, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1391 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1425, as engrossed: Your conference committee (Sens. Brown, Erbele, Fairfield and Reps. Price, Grande, Niemeier) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1171, adopt further amendments as follows, and place HB 1425 on the Seventh order:

That the Senate recede from its amendments as printed on page 1171 of the House Journal and page 938 of the Senate Journal and that Engrossed House Bill No. 1425 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 25-16-07 of the North Dakota Century Code, relating to the disclosure of individual records of a treatment or care center for developmentally disabled individuals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-16-07 of the North Dakota Century Code is amended and reenacted as follows:

25-16-07. Records of treatment or care center confidential. ~~No~~ An agent of the department of human services or the superintendent of the developmental center at westwood park, Grafton or the licensee or their agents or employees may not disclose the contents of the individual records of a treatment or care center for developmentally disabled ~~persons~~ individuals, nor of the reports received ~~therefrom~~ from those records, except:

1. In a judicial proceeding when ordered by the presiding judge;

2. To officers of the law or any other legally constituted boards or agencies serving the interests of the residents; ~~or~~
3. To the parents or legal guardians of the resident;
4. To a physician to aid in the treatment of an individual within the fourth degree of consanguinity of a deceased resident, if the disclosure is limited to genetic health information that has a direct bearing on the health of the relative, the relative's child, or the relative's decision to have a child; or
5. To an individual who is within the fourth degree of consanguinity of a deceased resident, if the disclosure is limited to information about a resident needed to establish a family's genealogy."

Renumber accordingly

Engrossed HB 1425 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1461: Your conference committee (Sens. Trenbeath, Dever, Nelson and Reps. Galvin, Grande, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1146-1146 and place HB 1461 on the Seventh order.

HB 1461 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, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:15 a.m., Thursday, April 10, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk

