

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, April 8, 2003

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

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

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1001, as engrossed: SEN. KRAUTER (Appropriations Committee) MOVED that the amendments on SJ pages 1168-1170 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of state government; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

Engrossed HB 1001, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1007, as engrossed: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ pages 1170-1174 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to provide for a performance audit of the department of veterans' affairs and the administrative committee on veterans' affairs; to provide an exception to the skilled nursing care bed capacity moratorium; to allow line item transfers; to provide an exception to nursing home rate class limits; to provide emergency rulemaking authority; to provide legislative intent; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

Engrossed HB 1007, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1013, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 1174-1177 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distribution amounts from permanent funds; to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to property unclaimed by state agencies; and to amend and reenact subsection 3 of section 47-30.1-12, sections 47-30.1-18 and 47-30.1-19.1, subsection 7 of section 47-30.1-20, section 47-30.1-21.1, subsection 1 of section 47-30.1-22, and sections 47-30.1-24 and 47-30.1-35 of the North Dakota Century Code, relating to the enforcement of the Uniform Unclaimed Property Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

Engrossed HB 1013, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1489, which is on the Sixth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1489 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that the Senate proceed to the Twelfth order and that HB 1018 be moved to the top of the Twelfth order, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1018, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1018: Sens. Andrist, Traynor, Lindaas.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1020, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1020: Sens. Thane, Grindberg, Lindaas.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. J. LEE MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1425, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1425: Sens. Brown, Erbele, Fairfield.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2001 as printed on SJ pages 1115-1116 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2001: Sens. Kilzer, Thane, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2002 as printed on SJ pages 1127-1128 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2002: Sens. Andrist, Kilzer, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2003 as printed on SJ pages 1128-1130 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2003: Sens. Kringstad, Holmberg, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2004 as printed on SJ pages 1116-1117 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2004: Sens. Christmann, Andrist, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2005 as printed on SJ pages 1117-1118 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2005: Sens. Bowman, Schobinger, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2006 as printed on SJ page 1118 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2006: Sens. Schobinger, Christmann, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2007 as printed on SJ pages 1118-1119 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2007: Sens. Kringstad, Thane, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2008 as printed on SJ pages 1130-1131 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2008: Sens. Schobinger, Christmann, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2009 as printed on SJ pages 1119-1122 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2009: Sens. Bowman, Thane, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2010 as printed on SJ pages 1122-1123 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2010: Sens. Kilzer, Holmberg, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2011 as printed on SJ page 1123 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2011: Sens. Thane, Schobinger, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2014 as printed on SJ pages 1123-1124 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2014: Sens. Kilzer, Christmann, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2016 as printed on SJ pages 1124-1125 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2016: Sens. Grindberg, Andrist, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1125-1126 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2017: Sens. Kilzer, Thane, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2020 as printed on SJ pages 1131-1133 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2020: Sens. Andrist, Schobinger, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2021 as printed on SJ pages 1144-1146 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2021: Sens. Andrist, Schobinger, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2083 as printed on SJ pages 1161-1162 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2083: Sens. J. Lee, Fischer, Polovitz.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2232 as printed on SJ page 1168 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2232: Sens. Grindberg, Thane, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2022 as printed on SJ pages 1140-1142 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2022: Sens. Grindberg, Holmberg, Robinson.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1013.

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 1001, HB 1007.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1018: Sens. Andrist; Traynor; Lindaas

HB 1020: Sens. Thane; Grindberg; Lindaas

HB 1425: Sens. Brown; Erbele; Fairfield

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2001, SB 2002, SB 2003, SB 2004, SB 2005, SB 2006, SB 2007, and SB 2008 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Kilzer; Thane; Tallackson

SB 2002: Sens. Andrist; Kilzer; Tallackson

SB 2003: Sens. Kringstad; Holmberg; Mathern

SB 2004: Sens. Christmann; Andrist; Lindaas

SB 2005: Sens. Bowman; Schobinger; Mathern

SB 2006: Sens. Schobinger; Christmann; Mathern

SB 2007: Sens. Kringstad; Thane; Mathern

SB 2008: Sens. Schobinger; Christmann; Mathern

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2009, SB 2010, SB 2011, SB 2014, SB 2016, SB 2017, SB 2020, and SB 2021 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2009: Sens. Bowman; Thane; Krauter
SB 2010: Sens. Kilzer; Holmberg; Tallackson
SB 2011: Sens. Thane; Schobinger; Tallackson
SB 2014: Sens. Kilzer; Christmann; Lindaas
SB 2016: Sens. Grindberg; Andrist; Mathern
SB 2017: Sens. Kilzer; Thane; Lindaas
SB 2020: Sens. Andrist; Schobinger; Tallackson
SB 2021: Sens. Andrist; Schobinger; Tallackson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2022, SB 2083, and SB 2232 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2022: Sens. Grindberg; Holmberg; Robinson
SB 2083: Sens. J. Lee; Fischer; Polovitz
SB 2232: Sens. Grindberg; Thane; Lindaas

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 2030: Reps. Monson; Rennerfeldt; Gulleeson

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 1009 and HCR 3005. Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1009: Reps. Martinson; Monson; Aarsvold
HCR3005: Reps. Maragos; Kretschmar; Winrich

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 8, 2003: SB 2032, SB 2118, SB 2242, SB 2245, SB 2246, SB 2251, SB 2254, SB 2262, SB 2275, SB 2296, SB 2297, SB 2322.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Dalrymple presiding.

CONSIDERATION OF AMENDMENTS

HB 1017, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1177-1178 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espégard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

Engrossed HB 1017, as amended, passed and the title was agreed to.

MOTION

SEN. KRINGSTAD MOVED that the Senate reconsider its action whereby SB 2415, as amended, failed to pass, which motion prevailed on a verification vote.

SB 2415, as amended, was placed on the Eleventh order for immediate second reading.

SECOND READING OF SENATE BILL

SB 2415: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Cook; Espgaard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, J.; Nelson; Nething; Polovitz; Stenehjem; Syverson; Tallackson; Traynor

NAYS: Andrist; Bowman; Christenson; Christmann; Dever; Erbele; Fairfield; Freborg; Lee, G.; Lindaas; Lyson; Mathern; Mutch; Nichols; O'Connell; Robinson; Schobinger; Seymour; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner

Engrossed SB 2415 lost.

MOTION

SEN. KREBSBACH MOVED that the Senate reconsider its action whereby Engrossed SB 2337, as amended, passed, which motion prevailed on a verification vote.

Engrossed SB 2337, as amended, was placed on the Eleventh order for immediate second reading.

SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to an additional sales tax on lodging for promotion of the Lewis and Clark bicentennial celebration; to provide an appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Every; Freborg; Grindberg; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; Nething; Nichols; Polovitz; Robinson; Seymour; Syverson; Tallackson; Taylor; Thane; Urlacher; Wardner

NAYS: Brown; Christenson; Cook; Dever; Erbele; Espgaard; Fairfield; Fischer; Flakoll; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; O'Connell; Schobinger; Stenehjem; Tollefson; Traynor; Trenbeath

Reengrossed SB 2337 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that the Senate proceed to the Twelfth order and that HB 1009, HCR 3005, and SB 2019 be placed at the top of the Twelfth order, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1009, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1009: Sens. Schobinger, Christmann, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TOLLEFSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HCR 3005, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HCR 3005: Sens. Tollefson, Cook, Nichols.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2019 as printed on SJ page 1160 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2019: Sens. Grindberg, Christmann, Tallackson.

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

MR. PRESIDENT: The Speaker has signed: SB 2099, SB 2222, SB 2253, SB 2259, SB 2302, SB 2319, SB 2320, SB 2323, SB 2330, SB 2339, SB 2340, SB 2346, SB 2348, SB 2350, SB 2360, SB 2385, SB 2405, SB 2420.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4038, SCR 4039.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1017.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2415.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2019 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2019: Sens. Grindberg; Christmann; Tallackson

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1009: Sens. Schobinger; Christmann; Tallackson

HCR3005: Sens. Tollefson; Cook; Nichols

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 1492, HCR 3024, HCR 3027, HCR 3040, HCR 3041, HCR 3053, and HCR 3061.

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 1068, HB 1166, HB 1180, HB 1212, HB 1298, HB 1363, HB 1430, and HB 1471.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently failed to pass: HB 1451.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1068, HB 1166, HB 1180, HB 1212, HB 1298, HB 1363, HB 1430, HB 1471, HB 1492, HCR 3024, HCR 3040, HCR 3041, HCR 3053, HCR 3061.

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 2012.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 3, after "institutions" insert "; to provide an exception; to provide for legislative council studies"

Page 1, line 13, replace "11,027,431" with "11,016,285"

Page 1, line 14, replace "34,066,362" with "32,285,839"

Page 1, line 16, replace "2,261,556" with "3,261,556"

Page 1, line 17, replace "47,358,043" with "46,566,374"

Page 1, line 18, replace "33,134,565" with "34,130,107"

Page 1, line 19, replace "14,223,478" with "12,436,267"

Page 1, line 22, replace "22,077,620" with "22,053,781"

Page 1, line 23, replace "38,456,409" with "37,331,409"

Page 2, line 1, replace "288,492,803" with "287,987,203"

Page 2, line 2, replace "890,942,979" with "914,924,664"

Page 2, line 3, replace "1,240,009,483" with "1,262,336,729"

Page 2, line 4, replace "978,141,758" with "955,486,496"

Page 2, line 5, replace "261,867,725" with "306,850,233"

Page 2, replace lines 7 through 21 with:

"MENTAL HEALTH COMMUNITY SERVICES CONTINGENCY

| | |
|----------------------------------|-----------|
| Total general fund appropriation | \$250,000 |
|----------------------------------|-----------|

NORTHWEST HUMAN SERVICE CENTER

| | |
|----------------------------------|------------------|
| Total all funds | \$7,275,679 |
| Less estimated income | <u>3,645,640</u> |
| Total general fund appropriation | \$3,630,039 |

NORTH CENTRAL HUMAN SERVICE CENTER

| | |
|----------------------------------|------------------|
| Total all funds | \$14,564,870 |
| Less estimated income | <u>6,723,674</u> |
| Total general fund appropriation | \$7,841,196 |

LAKE REGION HUMAN SERVICE CENTER

| | |
|----------------------------------|------------------|
| Total all funds | \$8,420,933 |
| Less estimated income | <u>3,782,973</u> |
| Total general fund appropriation | \$4,637,960 |

NORTHEAST HUMAN SERVICE CENTER

| | |
|----------------------------------|-------------------|
| Total all funds | \$19,441,183 |
| Less estimated income | <u>11,444,820</u> |
| Total general fund appropriation | \$7,996,363 |

SOUTHEAST HUMAN SERVICE CENTER

| | |
|----------------------------------|-------------------|
| Total all funds | \$20,724,542 |
| Less estimated income | <u>11,215,222</u> |
| Total general fund appropriation | \$9,509,320 |

SOUTH CENTRAL HUMAN SERVICE CENTER

| | |
|-----------------|--------------|
| Total all funds | \$11,358,975 |
|-----------------|--------------|

| | |
|----------------------------------|-------------|
| Less estimated income | 5,731,868 |
| Total general fund appropriation | \$5,627,107 |

WEST CENTRAL HUMAN SERVICE CENTER

| | |
|----------------------------------|--------------|
| Total all funds | \$17,584,844 |
| Less estimated income | 9,121,635 |
| Total general fund appropriation | \$8,463,209 |

BADLANDS HUMAN SERVICE CENTER

| | |
|----------------------------------|-------------|
| Total all funds | \$8,924,627 |
| Less estimated income | 4,558,723 |
| Total general fund appropriation | \$4,365,904 |

STATE HOSPITAL

| | |
|----------------------------------|--------------|
| Total all funds | \$41,889,561 |
| Less estimated income | 16,405,360 |
| Total general fund appropriation | \$25,484,201 |

DEVELOPMENTAL CENTER

| | |
|--|---------------|
| Total all funds | \$40,761,057 |
| Less estimated income | 31,949,828 |
| Total general fund appropriation | \$8,811,229 |
| Total all funds - Subdivision 3 | \$191,196,271 |
| Total estimated income - Subdivision 3 | \$104,579,743 |
| Total general fund appropriation - Subdivision 3 | \$86,616,528" |

Page 2, line 22, replace "362,336,976" with "405,953,028"

Page 2, line 23, replace "1,114,504,351" with "1,094,196,346"

Page 2, line 24, replace "1,476,841,327" with "1,500,149,374"

Page 2, line 28, replace "health centers" with "entities"

Page 2, line 29, after "services" insert "for the purpose of health center grant application submission"

Page 3, line 6, replace "\$2,261,556" with "\$3,261,556"

Page 3, replace lines 13 through 23 with:

SECTION 5. HEALTH CARE TRUST FUND - TRANSFER TO GENERAL FUND. The office of management and budget shall transfer \$35,911,035 from the health care trust fund to the general fund during the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 6. FUNDING TRANSFERS - EXCEPTION - AUTHORIZATION. Notwithstanding section 54-16-04, the department of human services may transfer appropriation authority between line items within each subdivision of section 1 of this Act, and between subdivisions within section 1 of this Act for the biennium beginning July 1, 2003, and ending June 30, 2005. The department shall notify the office of management and budget of any transfer made pursuant to this section. The department shall report to the budget section after June 30, 2004, any transfers made in excess of \$50,000 and to the appropriations committees of the fifty-ninth legislative assembly regarding any transfers made pursuant to this section.

SECTION 7. FEDERAL TANF BLOCK GRANT PROGRAMS - EXPENDITURE LIMIT. The department of human services shall make the changes necessary to programs utilizing funding from the temporary assistance for needy families (TANF) block grant to provide that by the end of the 2003-05 biennium, the cumulative funding anticipated to be spent for these programs for each fiscal year does not exceed North Dakota's annual federal TANF block grant allocation, including any incentive or bonus grants awarded to North Dakota.

SECTION 8. MEDICAL SERVICES - COPAYMENTS AND SERVICE LIMITS. The department of human services shall establish a six dollar copayment for medical

assistance recipients for each emergency room visit that is not designated an emergency service by the medical services provider. The department of human services shall establish other service copayments or limits and make other programmatic changes within the medical services program to operate the program within the funding levels approved by the fifty-eighth legislative assembly for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 9. NURSING HOME RATES - EXCEPTION - DIRECT CARE LIMIT.

Notwithstanding subsection 4 of section 50-24.4-10, the department of human services shall establish an eighty-five dollar per diem limit, adjusted for inflation under subsection 5 of section 50-24.4-10, on allowable operating costs for direct care services of nursing facilities for purposes of determining nursing facility payment rates for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 10. SUPPORTED LIVING ARRANGEMENTS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES - LOCAL MATCHING FUNDS - FUNDING ALLOCATION.

The grants - medical assistance line item in subdivision 2 of section 1 of this Act includes \$200,000 from the general fund for supported living arrangement services for individuals with developmental disabilities. This funding may be spent only if local or private funding of two dollars is provided for these services for each one dollar of general fund moneys provided for these services. The department shall allocate the funding appropriated for this purpose proportionately to each human service region of the state based on the number of individuals with developmental disabilities seeking supported living arrangement services in each region for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 11. LEGISLATIVE INTENT - VOCATIONAL REHABILITATION - SURVEY TIME PERIOD. It is the intent of the legislative assembly that the department of human services only survey vocational rehabilitation clients who become employed regarding job retention and job satisfaction after three months of employment if allowed under federal regulations for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 12. LEGISLATIVE COUNCIL STUDY - HUMAN SERVICES ADMINISTRATIVE COSTS. The legislative council shall consider studying, during the 2003-04 interim, administrative costs of human service programs, including costs incurred by the central office of the department of human services, human service centers, and county social services. If studied, the legislative council shall review the effects of the 1997 "swap" legislation on state and county human service program costs. 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 13. LEGISLATIVE COUNCIL STUDY - CHILDREN WITH SPECIAL HEALTH NEEDS. The legislative council shall consider studying, during the 2003-04 interim, programs providing services to children with special health care needs in North Dakota and service needs of these children which are not available under current programs. 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 14. LEGISLATIVE COUNCIL STUDY - MEDICAID ADVISORY COUNCIL. The legislative council shall consider studying, during the 2003-04 interim, the feasibility and desirability of establishing an advisory council for the medical assistance program of the department of human services. If studied, the legislative council shall consider including representatives of private health care providers on the advisory council. 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 15. LEGISLATIVE COUNCIL STUDY - LONG-TERM CARE CONTINUUM. The legislative council shall consider studying, during the 2003-04 interim, North Dakota's long-term care continuum of services, including service delivery methods and payment systems. If studied, the legislative council shall consider the cost-effectiveness of the programs and the appropriateness of rate structures and the nursing home equalized rate policy. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Page 3, line 24, replace "state hospital" with "total all funds" and after "item" insert "for the state hospital"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|--|----------------------|----------------------|---------------------|----------------------|
| DHS - Management | | | | |
| Total all funds | \$47,962,467 | \$47,358,043 | (\$791,669) | \$46,566,374 |
| Less estimated income | <u>31,912,324</u> | <u>33,134,565</u> | <u>995,542</u> | <u>34,130,107</u> |
| General fund | \$16,050,143 | \$14,223,478 | (\$1,787,211) | \$12,436,267 |
| DHS - Program/Policy | | | | |
| Total all funds | \$1,247,161,224 | \$1,240,059,483 | \$22,327,246 | \$1,262,386,729 |
| Less estimated income | <u>974,986,069</u> | <u>978,141,758</u> | <u>22,655,262</u> | <u>955,486,496</u> |
| General fund | \$272,175,155 | \$261,917,725 | \$44,982,508 | \$306,900,233 |
| DHS - State Hospital | | | | |
| Total all funds | \$44,312,699 | \$41,931,048 | (\$41,487) | \$41,889,561 |
| Less estimated income | <u>16,405,360</u> | <u>16,405,360</u> | | <u>16,405,360</u> |
| General fund | \$27,907,339 | \$25,525,688 | (\$41,487) | \$25,484,201 |
| DHS - Developmental Center | | | | |
| Total all funds | \$42,148,253 | \$40,808,116 | (\$47,059) | \$40,761,057 |
| Less estimated income | <u>32,234,480</u> | <u>31,984,652</u> | <u>(34,824)</u> | <u>31,949,828</u> |
| General fund | \$9,913,773 | \$8,823,464 | (\$12,235) | \$8,811,229 |
| DHS - Mental health contingency | | | | |
| Total all funds | \$250,000 | \$250,000 | \$0 | \$250,000 |
| Less estimated income | | | | |
| General fund | <u>\$250,000</u> | <u>\$250,000</u> | <u>\$0</u> | <u>\$250,000</u> |
| DHS - Northwest HSC | | | | |
| Total all funds | \$7,331,947 | \$7,280,942 | (\$5,263) | \$7,275,679 |
| Less estimated income | <u>3,647,636</u> | <u>3,645,798</u> | <u>(158)</u> | <u>3,645,640</u> |
| General fund | \$3,684,311 | \$3,635,144 | (\$5,105) | \$3,630,039 |
| DHS - North Central HSC | | | | |
| Total all funds | \$14,684,062 | \$14,576,944 | (\$12,074) | \$14,564,870 |
| Less estimated income | <u>6,735,850</u> | <u>6,725,002</u> | <u>(1,328)</u> | <u>6,723,674</u> |
| General fund | \$7,948,212 | \$7,851,942 | (\$10,746) | \$7,841,196 |
| DHS - Lake Region HSC | | | | |
| Total all funds | \$8,490,227 | \$8,427,435 | (\$6,502) | \$8,420,933 |
| Less estimated income | <u>3,790,662</u> | <u>3,783,753</u> | <u>(780)</u> | <u>3,782,973</u> |
| General fund | \$4,699,565 | \$4,643,682 | (\$5,722) | \$4,637,960 |
| DHS - Northeast HSC | | | | |
| Total all funds | \$17,628,299 | \$17,508,856 | \$1,932,327 | \$19,441,183 |
| Less estimated income | <u>10,099,083</u> | <u>10,050,301</u> | <u>1,394,519</u> | <u>11,444,820</u> |
| General fund | \$7,529,216 | \$7,458,555 | \$537,808 | \$7,996,363 |
| DHS - Southeast HSC | | | | |
| Total all funds | \$20,924,037 | \$20,743,221 | (\$18,679) | \$20,724,542 |
| Less estimated income | <u>11,233,890</u> | <u>11,217,090</u> | <u>(1,868)</u> | <u>11,215,222</u> |
| General fund | \$9,690,147 | \$9,526,131 | (\$16,811) | \$9,509,320 |
| DHS - South Central HSC | | | | |
| Total all funds | \$11,454,381 | \$11,367,850 | (\$8,875) | \$11,358,975 |
| Less estimated income | <u>5,741,308</u> | <u>5,732,844</u> | <u>(976)</u> | <u>5,731,868</u> |
| General fund | \$5,713,073 | \$5,635,006 | (\$7,899) | \$5,627,107 |
| DHS - West Central HSC | | | | |
| Total all funds | \$17,713,897 | \$17,596,609 | (\$11,765) | \$17,584,844 |
| Less estimated income | <u>9,137,950</u> | <u>9,123,282</u> | <u>(1,647)</u> | <u>9,121,635</u> |
| General fund | \$8,575,947 | \$8,473,327 | (\$10,118) | \$8,463,209 |
| DHS - Badlands HSC | | | | |
| Total all funds | \$9,004,972 | \$8,932,780 | (\$8,153) | \$8,924,627 |
| Less estimated income | <u>4,569,807</u> | <u>4,559,946</u> | <u>(1,223)</u> | <u>4,558,723</u> |
| General fund | \$4,435,165 | \$4,372,834 | (\$6,930) | \$4,365,904 |
| Bill Total | | | | |
| Total all funds | \$1,489,066,465 | \$1,476,841,327 | \$23,308,047 | \$1,500,149,374 |
| Less estimated income | <u>1,110,494,419</u> | <u>1,114,504,351</u> | <u>(20,308,005)</u> | <u>1,094,196,346</u> |
| General fund | \$378,572,046 | \$362,336,976 | \$43,616,052 | \$405,953,028 |

Senate Bill No. 2012 - Department of Human Services - Management - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|--|---------------------|-------------------|-------------------------------|-------------------|
| Salaries and wages | \$11,147,734 | \$11,027,431 | (\$11,146) | \$11,016,285 |
| Operating expenses | 34,550,483 | 34,066,362 | (1,780,523) | 32,285,839 |
| Capital assets | 2,694 | 2,694 | | 2,694 |
| Developmentally disabled facility loan | <u>2,261,556</u> | <u>2,261,556</u> | <u>1,000,000</u> | <u>3,261,556</u> |
| Total all funds | \$47,962,467 | \$47,358,043 | (\$791,669) | \$46,566,374 |
| Less estimated income | <u>31,912,324</u> | <u>33,134,565</u> | <u>995,542</u> | <u>34,130,107</u> |
| General fund | \$16,050,143 | \$14,223,478 | (\$1,787,211) | \$12,436,267 |
| FTE | 113.80 | 113.80 | 0.00 | 113.80 |

1

| | FTE | GENERAL FUND | ESTIMATED INCOME | TOTAL |
|---|------|---------------|------------------|-------------|
| Administration Support - House Changes | | | | |
| Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month | | (\$6,688) | (\$4,458) | (\$11,146) |
| Administration Support Program | | | | |
| Increases funding from the lands and minerals trust fund to accommodate any loan prepayments by developmental disabilities services providers during the 2003-05 biennium | | | 1,000,000 | 1,000,000 |
| Information Technology Division Program | | | | |
| Reduces funding to reflect a reduction in information technology funding from the general fund of approximately 20 percent | | (1,780,523) | | (1,780,523) |
| Total House Changes - Administration Support | 0.00 | (\$1,787,211) | \$995,542 | (\$791,669) |

Other Changes Affecting Administration Support Programs or Multiple Programs of the Department

A section is added providing for a Legislative Council study of administrative costs of the Department of Human Services' central office, human service centers, and county social services.

A section is added authorizing the department to transfer funds between line items and between subdivisions without Emergency Commission or Budget Section approval. The department is to report any transfers to the Office of Management and Budget and to the Appropriations Committees of the 2005 Legislative Assembly and any transfers over \$50,000 to the Budget Section after June 30, 2004.

Section 5 of the bill is removed which would have authorized the department to transfer funds between the State Hospital, the Developmental Center, and the human service centers and to increase the number of FTE positions at these institutions and centers.

Senate Bill No. 2012 - Department of Human Services - Program/Policy - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|-----------------------------|------------------------|------------------------|----------------------------|------------------------|
| Salaries and wages | \$22,311,231 | \$22,077,620 | (\$23,839) | \$22,053,781 |
| Operating expenses | 38,397,710 | 38,456,409 | (1,125,000) | 37,331,409 |
| Capital assets | 39,672 | 39,672 | | 39,672 |
| Grants | 288,491,078 | 288,492,803 | (505,600) | 287,987,203 |
| Grants - Medical assistance | 897,921,533 | 890,942,979 | 23,981,685 | 914,924,664 |
| Health center grants | | 50,000 | | 50,000 |
| Total all funds | \$1,247,161,224 | \$1,240,059,483 | \$22,327,246 | \$1,262,386,729 |
| Less estimated income | 974,986,069 | 978,141,758 | (22,655,262) | 955,486,496 |
| General fund | \$272,175,155 | \$261,917,725 | \$44,982,508 | \$306,900,233 |
| FTE | 234.80 | 234.80 | 0.00 | 234.80 |

¹ **Program/Policy Management - House Changes**

Reduces operating expenses. The department may determine the specific areas to reduce. (\$1,000,000) (\$1,000,000)

Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493, to \$488.70 per month (7,087) (\$16,752) (23,839)

Economic Assistance Policy Program
No changes

Child Support Program
No changes

Medical Services Program
Restores a portion of the funding removed by the Senate for optional medical services for adults, including durable medical equipment, optometric services, and psychological services 1,100,000 2,337,500 3,437,500

Increases funding for medical assistance grants with the priority for use of the funding designated for increasing hospital reimbursements for inpatient and outpatient services. The state matching funds of \$500,000 are from the health care trust fund. Note the funding source change to the general fund below. 1,562,500 1,562,500

Removes funding for rehabilitation services relating to the Ruth Meiers Adolescent Treatment Center because the center will continue to be operated by the Northeast Human Service Center rather than by a private organization (493,277) (1,046,556) (1,539,833)

as anticipated in the executive budget and Senate version. The funding removed is being added to the Northeast Human Service Center.

| | | |
|---|-----------|-----------|
| Adds funding to increase the allowable fringe benefit percentage for employees of developmental disabilities services providers from 30 to 33 percent of salary. The state matching funds of \$1,119,628 are from the health care trust fund. Note the funding source change to the general fund below. | 3,498,839 | 3,498,839 |
|---|-----------|-----------|

| | | |
|---|-----------|-----------|
| Increases funding to provide an additional 37-cent per hour salary increase to employees of developmental disabilities services providers. This amount is in addition to the funding added by the Senate to provide for a 50-cent per hour increase. The state matching funds of \$1,872,229 are from the health care trust fund. Note the funding source change to the general fund below. | 5,850,715 | 5,850,715 |
|---|-----------|-----------|

Long-Term Care Program

| | | |
|---|-----------|-------------|
| Changes the funding source for nursing facility care in the medical assistance program from the health care trust fund to the general fund. Funding recommended in the executive budget and Senate version for this purpose totaled \$29,137,300 from the health care trust fund. The House version appropriates \$19,545,393 from the health care trust fund. Note the additional funding source change to the general fund below. | 9,591,907 | (9,591,907) |
|---|-----------|-------------|

| | | |
|---|-----------|-----------|
| Provides for the nursing facility direct care limit to be set at \$85 rather than the 85th percentile as included in the executive budget and the Senate version. The state matching funds of \$2,925,207 are from the health care trust fund. Note the funding source change to the general fund below. A section is added authorizing the department to establish the limit at \$85 for the 2003-05 biennium. | 9,129,859 | 9,129,859 |
|---|-----------|-----------|

| | | |
|---|-----------|-----------|
| Restores \$1,750,000 of the \$4,382,049 general fund reduction made by the Senate to the service payments for elderly and disabled (SPED) program with funding from the health care trust fund. Note the funding source change to the general fund below. Funding from the counties is increased by \$92,105. | 1,842,105 | 1,842,105 |
|---|-----------|-----------|

Aging Services Program

| | | |
|--|-----------|-----------|
| Reduces funding from the health care trust fund for qualified service provider training grants from \$140,000 to \$40,000. Note the funding source change below. | (100,000) | (100,000) |
|--|-----------|-----------|

Children and Family Services Program

| | | |
|---|----------|--------|
| Changes the source of funding to reflect additional federal funds anticipated to be available from "refinancing" activities of the Children's Services Coordinating Committee during the 2003-05 biennium | (43,331) | 43,331 |
|---|----------|--------|

| | | | |
|---|----------|-----------|-----------|
| Removes funding for foster care room and board costs relating to the Ruth Meiers Adolescent Treatment Center because the center will continue to be operated by the Northeast Human Service Center rather than by a private organization as anticipated in the executive budget and Senate version. The funding removed is being added to the Northeast Human Service Center. | (51,739) | (353,861) | (405,600) |
|---|----------|-----------|-----------|

Mental Health and Substance Abuse Program

| | | |
|---|-----------|-----------|
| Reduces funding for gambling addiction services from \$225,000 to \$100,000 | (125,000) | (125,000) |
|---|-----------|-----------|

Developmental Disabilities Council

No changes

Disabilities Program

| | | |
|--|---------|-----------|
| Changes the source of funding for independent living center grants from the health care trust fund to the general fund | 100,000 | (100,000) |
|--|---------|-----------|

| | | |
|--|---------|---------|
| Adds funding from the health care trust fund for supported living arrangement services. Note the funding source change below. A section is added providing that these funds may be spent only if local or private matching funds of two to one are provided for the services. The section also directs the department to allocate the funds to each region based on each region's share of individuals with developmental disabilities who are seeking these services. | 200,000 | 200,000 |
|--|---------|---------|

All Programs

| | | |
|--|------------|--------------|
| Changes the funding source from the health care trust fund to the general fund for all Department of Human Services programs that were to receive funding from the health care trust fund. A section is added transferring \$35,911,035 from the health care trust fund to the general fund during the 2003-05 biennium. | 35,911,035 | (35,911,035) |
|--|------------|--------------|

| | | | | |
|--|------|--------------|----------------|--------------|
| Total House Changes - Program/Policy Management | 0.00 | \$44,982,508 | (\$22,655,262) | \$22,327,246 |
|--|------|--------------|----------------|--------------|

Other Changes Affecting Program/Policy Management Programs

Section 2, added by the Senate, which appropriates \$50,000 from the general fund for health center grants, is amended to allow any community entity to be eligible to receive a grant from the department to assist it in applying for federal health center grants.

A section is added requiring the department to make the program changes necessary to operate programs utilizing funding from the federal temporary assistance for needy families (TANF) block grant within North Dakota's funding allocation by the end of the 2003-05 biennium.

A section is added directing the department to establish a \$6 copayment for Medicaid recipients for each emergency room visit that is not considered an emergency by hospital personnel and directing the department to make other programmatic changes or establish other copayments or service limits within the medical services program to operate the program within the funding level approved by the Legislative Assembly for the 2003-05 biennium.

A section is added providing for a Legislative Council study of programs providing services to children with special health care needs.

A section is added providing for a Legislative Council study of North Dakota's long-term care continuum of services, including service delivery methods and payment systems.

A section is added providing for a Legislative Council study of the feasibility and desirability of creating a Medicaid advisory council.

A section of legislative intent is added providing that the department conduct three-month rather than three-month and six-month "followup" reviews of vocational rehabilitation clients who begin working if allowed under federal regulations.

Senate Bill No. 2012 - Department of Human Services - State Hospital - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES 1 | HOUSE VERSION | | |
|--|---------------------|-------------------|--------------------|---------------------|-------|------------|
| Human service centers/ institutions | \$44,312,699 | \$41,931,048 | (\$41,487) | \$41,889,561 | | |
| Total all funds | \$44,312,699 | \$41,931,048 | (\$41,487) | \$41,889,561 | | |
| Less estimated income | <u>16,405,360</u> | <u>16,405,360</u> | | <u>16,405,360</u> | | |
| General fund | \$27,907,339 | \$25,525,688 | (\$41,487) | \$25,484,201 | | |
| FTE | 416.90 | 416.90 | 0.00 | 416.90 | | |
| | | FTE | GENERAL FUND | ESTIMATED INCOME | TOTAL | |
| 1 State Hospital - House Changes | | | | | | |
| Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month | | | (\$41,487) | | | (\$41,487) |
| Total House Changes - State Hospital | | 0.00 | (\$41,487) | \$0 | | (\$41,487) |

Other Changes Affecting the State Hospital

Subdivision 3 of Section 1 of the bill is changed to appropriate funds by funding source for the State Hospital, the Developmental Center, and each of the human service centers rather than appropriating the funds by funding source only in total for all entities.

Senate Bill No. 2012 - Department of Human Services - Developmental Center - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES 1 | HOUSE VERSION | | |
|--|---------------------|-------------------|--------------------|---------------------|-------|--|
| Human service centers/ institutions | \$42,148,253 | \$40,808,116 | (\$47,059) | \$40,761,057 | | |
| Total all funds | \$42,148,253 | \$40,808,116 | (\$47,059) | \$40,761,057 | | |
| Less estimated income | <u>32,234,480</u> | <u>31,984,652</u> | <u>(34,824)</u> | <u>31,949,828</u> | | |
| General fund | \$9,913,773 | \$8,823,464 | (\$12,235) | \$8,811,229 | | |
| FTE | 458.04 | 458.04 | 0.00 | 458.04 | | |
| | | FTE | GENERAL FUND | ESTIMATED INCOME | TOTAL | |

1 Developmental Center - House Changes

Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month

(\$12,235) (\$34,824) (\$47,059)

Total House Changes - Developmental Center 0.00 (\$12,235) (\$34,824) (\$47,059)

Other Changes Affecting the Developmental Center

Subdivision 3 of Section 1 of the bill is changed to appropriate funds by funding source for the State Hospital, the Developmental Center, and each of the human service centers rather than appropriating the funds by funding source only in total for all entities.

Senate Bill No. 2012 - Human Service Centers - General Fund Summary

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|---------------------------------|------------------|------------------|----------------------------|------------------|
| DHS - Mental health contingency | \$250,000 | \$250,000 | | \$250,000 |
| DHS - Northwest HSC | 3,684,311 | 3,635,144 | (\$5,105) | 3,630,039 |
| DHS - North Central HSC | 7,948,212 | 7,851,942 | (10,746) | 7,841,196 |
| DHS - Lake Region HSC | 4,699,565 | 4,643,682 | (5,722) | 4,637,960 |
| DHS - Northeast HSC | 7,529,216 | 7,458,555 | 537,808 | 7,996,363 |
| DHS - Southeast HSC | 9,690,147 | 9,526,131 | (16,811) | 9,509,320 |
| DHS - South Central HSC | 5,713,073 | 5,635,006 | (7,899) | 5,627,107 |
| DHS - West Central HSC | 8,575,947 | 8,473,327 | (10,118) | 8,463,209 |
| DHS - Badlands HSC | <u>4,435,165</u> | <u>4,372,834</u> | <u>(6,930)</u> | <u>4,365,904</u> |
| Total general fund | \$52,525,636 | \$51,846,621 | \$474,477 | \$52,321,098 |

Senate Bill No. 2012 - Human Service Centers - Other Funds Summary

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION |
|---------------------------------|------------------|------------------|----------------------------|------------------|
| DHS - Mental health contingency | | | | |
| DHS - Northwest HSC | \$3,647,636 | \$3,645,798 | (\$158) | \$3,645,640 |
| DHS - North Central HSC | 6,735,850 | 6,725,002 | (1,328) | 6,723,674 |
| DHS - Lake Region HSC | 3,790,662 | 3,783,753 | (780) | 3,782,973 |
| DHS - Northeast HSC | 10,099,083 | 10,050,301 | 1,394,519 | 11,444,820 |
| DHS - Southeast HSC | 11,233,890 | 11,217,090 | (1,868) | 11,215,222 |
| DHS - South Central HSC | 5,741,308 | 5,732,844 | (976) | 5,731,868 |
| DHS - West Central HSC | 9,137,950 | 9,123,282 | (1,647) | 9,121,635 |
| DHS - Badlands HSC | <u>4,569,807</u> | <u>4,559,946</u> | <u>(1,223)</u> | <u>4,558,723</u> |
| Total other funds | \$54,956,186 | \$54,838,016 | \$1,386,539 | \$56,224,555 |

Senate Bill No. 2012 - Human Service Centers - All Funds Summary

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES ¹ | HOUSE VERSION | |
|---------------------------------|------------------|------------------|----------------------------|------------------|-------|
| DHS - Mental health contingency | \$250,000 | \$250,000 | | \$250,000 | |
| DHS - Northwest HSC | 7,331,947 | 7,280,942 | (\$5,263) | 7,275,679 | |
| DHS - North Central HSC | 14,684,062 | 14,576,944 | (12,074) | 14,564,870 | |
| DHS - Lake Region HSC | 8,490,227 | 8,427,435 | (6,502) | 8,420,933 | |
| DHS - Northeast HSC | 17,628,299 | 17,508,856 | 1,932,327 | 19,441,183 | |
| DHS - Southeast HSC | 20,924,037 | 20,743,221 | (18,679) | 20,724,542 | |
| DHS - South Central HSC | 11,454,381 | 11,367,850 | (8,675) | 11,358,975 | |
| DHS - West Central HSC | 17,713,897 | 17,596,609 | (11,765) | 17,584,844 | |
| DHS - Badlands HSC | <u>9,004,972</u> | <u>8,932,780</u> | <u>(8,153)</u> | <u>8,924,627</u> | |
| Total all funds | \$107,481,822 | \$106,684,637 | \$1,861,016 | \$108,545,653 | |
| FTE | 817.58 | 817.58 | 16.30 | 833.88 | |
| | | FTE | GENERAL FUND | ESTIMATED INCOME | TOTAL |

¹ Northwest Human Service Center - House Changes

Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month

(\$5,105) (\$158) (\$5,263)

Total House Changes - Northwest Human Service Center 0.00 (\$5,105) (\$158) (\$5,263)

North Central Human Service Center - House Changes

Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month

(\$10,746) (\$1,328) (\$12,074)

Adds one activity therapist II and one administrative assistant I. Federal funding for the positions is included in the department's 2003-05 biennium budget.

2.00

Total House changes - North Central Human Service Center 2.00 (\$10,746) (\$1,328) (\$12,074)

Lake Region Human Service Center - House Changes

Removes one FTE vacant administrative position (no funding was included for the position)

(1.00)

| | | | | |
|---|-------|------------|-------------|-------------|
| Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month | | (\$5,722) | (\$780) | (\$6,502) |
| Total House Changes - Lake Region Human Service Center | 1.00 | (\$5,722) | (\$780) | (\$6,502) |
| Northeast Human Service Center - House Changes | | | | |
| Adds funding to continue operating the Ruth Meiers Adolescent Treatment Center. The executive budget and the Senate version anticipated the center would be operated by a private organization. The funding added is being reduced from medical services and children and family services programs. | 13.30 | \$545,016 | \$1,400,417 | \$1,945,433 |
| Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month | | (7,208) | (5,898) | (13,106) |
| Total House Changes - Northeast Human Service Center | 13.30 | \$537,808 | \$1,394,519 | \$1,932,327 |
| Southeast Human Service Center - House Changes | | | | |
| Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month | | (\$16,811) | (\$1,868) | (\$18,679) |
| Adds one activity therapist I. Federal funding for the position is included in the department's 2003-05 biennium budget. | 1.00 | | | |
| Total House Changes - Southeast Human Service Center | 1.00 | (\$16,811) | (\$1,868) | (\$18,679) |
| South Central Human Service Center - House Changes | | | | |
| Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month | | (\$7,899) | (\$976) | (\$8,875) |
| Total House Changes - South Central Human Service Center | 0.00 | (\$7,899) | (\$976) | (\$8,875) |
| West Central Human Service Center - House Changes | | | | |
| Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month | | (\$10,118) | (\$1,647) | (\$11,765) |
| Adds one office assistant I. Federal funding for the position is included in the department's 2003-05 biennium budget. | 1.00 | | | |
| Total House Changes - West Central Human Service Center | 1.00 | (\$10,118) | (\$1,647) | (\$11,765) |
| Badlands Human Service Center - House Changes | | | | |
| Reduces funding for salaries and wages to reflect a reduction in state employee health insurance premiums from \$493 to \$488.70 per month | | (\$6,930) | (\$1,223) | (\$8,153) |
| Total House Changes - Badlands Human Service Center | 0.00 | (\$6,930) | (\$1,223) | (\$8,153) |

Other Changes Affecting the Human Service Centers

Subdivision 3 of Section 1 of the bill is changed to appropriate funds by funding source for the State Hospital, the Developmental Center, and each of the human service centers rather than appropriating the funds by funding source only in total for all entities.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 9, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1023, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1023 was placed on the Sixth order on the calendar.

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 -
State hospital nurses' building renovation

430,000"

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 | (\$3,029,191) | (\$3,029,191) |
| 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 | \$2,768,216 | \$2,768,216 | \$430,000 | \$3,198,216 |
| 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 |
| 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 | \$430,000 | \$430,000 |
| Total all funds | \$430,000 | \$430,000 |
| 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.

REPORT OF STANDING COMMITTEE

HB 1489, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1489 was placed on the Sixth order on the calendar.

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

REPORT OF STANDING COMMITTEE

HB 1504, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1504 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2363, as engrossed: Your conference committee (Sens. Lyson, Traynor, Heitkamp and Reps. DeKrey, Porter, Hanson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1059-1059 and place SB 2363 on the Seventh order.

Engrossed SB 2363 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator Christmann's motion.

WILLIAM R. HORTON, Secretary