

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, February 17, 2005

The House convened at 8:00 a.m., with Speaker Klein presiding.

The prayer was offered by Fr. Paul Becker, Corpus Christi Church, Bismarck.

The roll was called and all members were present except Representatives Bernstein, Brusegaard, Maragos, Nicholas, Porter, and Weisz.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

On page 680, line 23, after that insert "the motion to reconsider the amendments to", and after table insert "which motion prevailed"

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

## SIXTH ORDER OF BUSINESS

**SPEAKER KLEIN DEEMED** approval of HB 1001 HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1014, HB 1016, HB 1017, HB 1018, HB 1019, HB 1020, HB 1021, HB 1022, HB 1023, HB 1030, HB 1035, HB 1153, HB 1154, HB 1308, HB 1332, HB 1334, HB 1394, HB 1437, HB 1473, HB 1501 and HB 1507.

HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1014, HB 1016, HB 1017, HB 1018, HB 1019, HB 1020, HB 1021, HB 1022, HB 1023, HB 1030, HB 1035, HB 1153, HB 1154, HB 1308, HB 1332, HB 1334, HB 1394, HB 1437, HB 1473, HB 1501 and HB 1507, as amended, were placed on the Eleventh order of business on the calendar.

## MOTION

**REP. BERG MOVED** that after action taken on the Sixth order, be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1259:** A BILL for an Act to create and enact chapter 53-12.1 of the North Dakota Century Code, relating to a lottery; to amend and reenact subsection 5 of section 28-32-08.1, section 50-06-22, subsection 2 of section 50-09-14, subsection 2 of section 54-10-01, subsection 7 of section 57-38-57, subsection 47 of section 57-39.2-04, and subsection 7 of section 57-39.2-23 of the North Dakota Century Code, relating to economic impact statements, the compulsive gambling prevention and treatment fund, child support setoff, annual audits, compliance with tax reporting requirements, and sales tax exemptions; to repeal chapter 53-12 of the North Dakota Century Code, relating to a lottery; to provide a penalty; to provide a continuing appropriation; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg;

Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Damschen; Delzer; Hunsakor; Kerzman; Kingsbury; Koppelman; Metcalf; Pollert; Ruby; Skarphol

**ABSENT AND NOT VOTING:** Bernstein; Nicholas; Porter

Reengrossed HB 1259 passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**REP. BERG MOVED** that HB 1423 be moved to the bottom of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1354:** A BILL for an Act to amend and reenact subsection 18 of section 57-15-06.7 of the North Dakota Century Code, relating to the county levy for a county veterans' service officer; 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 49 YEAS, 42 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Carlisle; Charging; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Froseth; Glassheim; Gulleon; Hanson; Hawken; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Thorpe; Wald; Wall; Williams; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlson; Clark; Damschen; Devlin; Dietrich; Dosch; Drovda; Galvin; Grande; Haas; Headland; Herbel; Horter; Iverson; Kasper; Keiser; Kingsbury; Koppelman; Kreidt; Meier, L.; Monson; Pietsch; Pollert; Price; Ruby; Sitte; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Delzer; Nicholas

Reengrossed HB 1354 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1030:** A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the smoking of tobacco products in state-owned or state-leased buildings.

#### 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 45 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boehning; Boucher; Brandenburg; Clark; Conrad; Damschen; DeKrey; Devlin; Dietrich; Drovda; Galvin; Glassheim; Gulleon; Haas; Hanson; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Kreidt; Kretschmar; Maragos; Nottestad; Onstad; Porter; Potter; Price; Sandvig; Thorpe; Uglem; Vigesaa; Wall; Weisz; Williams; Zaiser; Speaker Klein

**NAYS:** Amerman; Bellew; Belter; Boe; Brusegaard; Carlisle; Carlson; Charging; Delmore; Delzer; Dosch; Ekstrom; Froelich; Froseth; Grande; Hawken; Headland; Horter; Kasper; Kelsh, S.; Kerzman; Koppelman; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Owens; Pietsch; Pollert; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Wald; Weiler; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Bernstein; Nicholas

Engrossed HB 1030 lost.

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#### MOTION

**REP. BERG MOVED** that HB 1154 be moved right below HB 1011 on the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1308:** A BILL for an Act to create and enact a new section to chapter 4-14.1, two new sections to chapter 54-44.4, and three new sections to chapter 54-44.5 of the North Dakota Century Code, relating to duties of the agricultural products utilization commission, state purchasing of energy, and assignment of renewable energy responsibilities to the division of community services; to provide an appropriation; to provide a continuing 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 39 YEAS, 52 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boucher; Brandenburg; Brusegaard; Conrad; Damschen; DeKrey; Delmore; Devlin; Ekstrom; Glassheim; Gulleson; Haas; Hunskor; Johnson, D.; Kaldor; Kelsh, S.; Kretschmar; Kroeber; Meyer, S.; Monson; Mueller; Nelson; Onstad; Owens; Potter; Price; Sandvig; Schmidt; Svedjan; Thorpe; Uglem; Vigesaa; Wall; Weisz; Williams; Zaiser

**NAYS:** Bellew; Belter; Boehning; Carlisle; Carlson; Charging; Clark; Delzer; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Maragos; Martinson; Meier, L.; Metcalf; Norland; Nottestad; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Solberg; Thoreson; Timm; Wald; Weiler; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Boe; Nicholas

Engrossed HB 1308 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1473:** A BILL for an Act to provide for a commission on alternatives to incarceration; to provide an expiration 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 78 YEAS, 6 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Delzer; Drovdal; Froseth; Kasper; Kempenich; Metcalf

**ABSENT AND NOT VOTING:** Amerman; Belter; Berg; Bernstein; Gulleson; Kaldor; Nelson; Nicholas; Potter; Skarphol

Reengrossed HB 1473 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1501:** A BILL for an Act to amend and reenact section 26.1-13-15 and subsection 2 of section 26.1-25-02 of the North Dakota Century Code, relating to territorial limits of county mutual insurance companies.

**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 84 YEAS, 3 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Keiser; Ruby

**ABSENT AND NOT VOTING:** Berg; Bernstein; Boucher; Devlin; Kaldor; Nelson; Nicholas

Engrossed HB 1501 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1507:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the registering of home inspectors; and to provide a penalty.

**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 59 YEAS, 29 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; DeKrey; Dosch; Drovdal; Froelich; Galvin; Glassheim; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Metcalf; Monson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Speaker Klein

**NAYS:** Aarsvold; Bellew; Berg; Clark; Conrad; Damschen; Delmore; Delzer; Dietrich; Ekstrom; Froseth; Gulleson; Hanson; Hunskor; Kaldor; Koppelman; Kroeber; Meyer, S.; Mueller; Onstad; Potter; Ruby; Sandvig; Schmidt; Solberg; Thorpe; Weisz; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Belter; Bernstein; Boucher; Devlin; Nelson; Nicholas

Engrossed HB 1507 passed and the title was agreed to.

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**MOTION**

**REP. BERG MOVED** that HB 1332 and HB 1437 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1332:** A BILL for an Act to create and enact a new section to chapter 26.1-27 and chapter 26.1-27.1 of the North Dakota Century Code, relating to regulation of pharmacy benefits management.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Nelson; Thorpe; Weisz

**ABSENT AND NOT VOTING:** Belter; Bernstein; Boucher; DeKrey; Devlin; Nicholas

Engrossed HB 1332 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1437:** A BILL for an Act to create and enact a new section to chapter 43-07 of the North Dakota Century Code, relating to notice and time for contractors to repair defects in residential buildings.

### 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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Delzer; Wrangham

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Nicholas

Engrossed HB 1437 passed and the title was agreed to.

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### MOTION

**REP. BERG MOVED** that HB 1515 be returned to the House floor from the **Government and Veterans Affairs Committee** for the purpose of withdrawal, which motion prevailed.

### REQUEST

**REP. BERG REQUESTED** the unanimous consent of the House to withdraw HB 1515. There being no objection, it was so ordered by the Speaker.

### MOTION

**REP. BERG MOVED** that HB 1423 be placed at the top of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1423:** A BILL for an Act to create and enact a new section to chapter 15-04, a new section to chapter 15-07, a new subsection to section 20.1-02-04, and a new subsection to section 20.1-03-39 of the North Dakota Century Code, relating to public access on original grant lands and nongrant lands, duties of the director of the game and fish department, and regulation of guides; to amend and reenact section 15-07-20 of the North Dakota Century Code, relating to nongrant land leases; and to provide an appropriation.

**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 40 YEAS, 51 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Boehning; Carlisle; Carlson; Charging; Dietrich; Dosch; Drovdal; Galvin; Glassheim; Grande; Hanson; Headland; Horter; Iverson; Kelsch, R.; Kelsh, S.; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Nottestad; Pietsch; Porter; Potter; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Wald; Wall; Weiler; Williams; Wrangham; Speaker Klein

**NAYS:** Amerman; Belter; Berg; Boe; Boucher; Brandenburg; Brusegaard; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Ekstrom; Froelich; Froseth; Gulleeson; Haas; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kempenich; Kerzman; Kingsbury; Klemmin; Maragos; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Onstad; Owens; Pollert; Price; Rennerfeldt; Sandvig; Schmidt; Solberg; Thorpe; Uglem; Vigasaa; Weisz; Wieland; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Nicholas

Engrossed HB 1423 lost.

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**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Drovdal; Kasper; Ruby; Weiler

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Nicholas

Engrossed HB 1001 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to define matching requirements for the Help America Vote Act; to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state; 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 83 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson;

Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Drovdal; Kasper; Ruby; Sandvig; Schmidt; Solberg; Weiler; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Nicholas

Engrossed HB 1002 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for racing commission expenses; to provide a statement of legislative intent; to provide for duties of the attorney general; to amend section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Nicholas

Engrossed HB 1003 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

### 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 83 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wrangham; Zaiser; Speaker Klein

**NAYS:** Aarsvold; Delzer; Gulleon; Kasper; Kerzman; Ruby; Wieland

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Nicholas; Williams

HB 1004, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

### 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 86 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Meier, L.; Metcalf; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Klein

**NAYS:** Froelich; Kerzman; Meyer, S.

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Martinson; Nicholas; Williams

HB 1005, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to provide for a transfer; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the tax commissioner's salary; to authorize the tax commissioner to enter into a financing agreement to establish an integrated tax 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 54 YEAS, 36 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; Dietrich; Dosch; Drovdal; Froseth; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Horter; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Kingsbury; Klemm; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sitte; Skarphol; Svedjan; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Galvin; Gulleson; Herbel; Hunsakor; Iverson; Kaldor; Kasper; Keiser; Kelsh, S.; Kerzman; Koppelman; Kroeber; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Owens; Potter; Ruby; Sandvig; Schmidt; Solberg; Thoreson; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Delzer; Devlin; Nicholas

HB 1006, as amended, passed, the title was agreed to, but the emergency clause lost.

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### SECOND READING OF HOUSE BILL

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.



**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 86 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weisz; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Kasper; Weiler

**ABSENT AND NOT VOTING:** Bernstein; Delzer; Devlin; Nelson; Nicholas; Wieland

HB 1007, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1008:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to provide an appropriation for a rail rate complaint case; to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners; to provide for a legislative council study; to provide a statement of legislative intent; 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 77 YEAS, 13 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Metcalf; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Aarsvold; Boucher; Delzer; Ekstrom; Kasper; Klemin; Kroeber; Meyer, S.; Mueller; Onstad; Sandvig; Thoreson; Wrangham

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Gulleeson; Nicholas

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

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**MOTION**

**REP. BERG MOVED** that the House stand in recess until 12:00 p.m., which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact sections 4-01-19, 4-01-21, 4-22-22, 4-37-03, 4-37-04, and 19-18-04 of the North Dakota Century Code, relating to the pride of Dakota program, the salary of the agriculture commissioner, compensation of supervisors of soil conservation districts, the agriculture in the classroom program, and pesticide registration fees; and to provide for transfers.

**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 63 YEAS, 26 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Hanson; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Rennerfeldt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Ekstrom; Froelich; Glassheim; Gulleon; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Price; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Hawken; Nicholas; Ruby

HB 1009, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide for fund transfers; to provide for making payments of insurance premiums tax collections to fire departments; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the commissioner's salary.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Hawken; Nicholas; Ruby

HB 1010, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

**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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig;

Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Devlin; Hawken; Nicholas

HB 1011, as amended, passed and the title was agreed to.

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#### **SIXTH ORDER OF BUSINESS**

**HB 1013: REP. BRUSEGAARD (Appropriations Committee) MOVED** that the amendments on HJ pages 713-718 be adopted and then be placed on the Eleventh order with **DO PASS**.

#### **REQUEST**

**REP. S. KELSH REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to HB 1013, which request was granted.

#### **ROLL CALL**

The question being the motion to adopt the amendments to HB 1013, the roll was called and there were 61 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Galvin; Grande; Haas; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Guleson; Hanson; Hunsakor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Maragos; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Potter; Sandvig; Solberg; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Hawken; Nicholas

The motion to adopt the amendments to HB 1013 passed.

#### **MOTION**

**REP. BERG MOVED** that the rules be suspended and that HB 1013, as amended, be placed on the Eleventh order for immediate second reading, 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 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 the division of independent study; to provide for the distribution of special education payments; and to amend and reenact sections 15.1-02-01 and 15.1-02-02 of the North Dakota Century Code, relating to the qualifications and the salary of the superintendent of public instruction.

#### **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 62 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Galvin; Grande; Haas; Headland; Herbel; Horter; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Guleson; Hanson; Hunsakor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Hawken; Iverson; Nicholas

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

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#### MOTION

**REP. BERG MOVED** that HB 1154 be placed at the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1154:** A BILL for an Act to amend and reenact sections 15.1-27-04, 15.1-27-06, 15.1-27-07, 15.1-27-15, 15.1-27-37, and 15.1-27-39 of the North Dakota Century Code and section 38 of chapter 667 of the 2003 Session Laws, relating to per student payments and weighting factors and teacher compensation; to provide for the distribution of transportation grants; to provide for contingent payments; and to provide an appropriation.

#### 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 61 YEAS, 29 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Damschen; DeKrey; Delmore; Dietrich; Dosch; Galvin; Grande; Haas; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Charging; Conrad; Delzer; Devlin; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Gulleon; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Hanson; Hawken; Nicholas

Engrossed HB 1154 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy; and to provide a statement of legislative intent.

#### 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, 5 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Conrad; Damschen; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gulleon; Haas; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Charging; DeKrey; Galvin; Ruby

**ABSENT AND NOT VOTING:** Bernstein; Clark; Hanson; Hawken; Johnson, D.; Martinson; Nicholas

Engrossed HB 1014 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management; to provide for a performance audit of 911 services; to provide authorization for a loan from the Bank of North Dakota; to provide for a report to the legislative council; and to require political subdivision financial participation in the state radio communications system migration project.

**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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hanson; Hawken; Nicholas

HB 1016, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; and to provide an exemption to section 54-44.1-11 of the North Dakota Century Code, relating to unexpended appropriations.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gulleeson; Haas; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Galvin; Hanson; Hawken; Nicholas

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

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**SECOND READING OF HOUSE BILL**

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; to amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the game and fish fund; 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 78 YEAS, 4 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.;

Kelsh, S.; Kempenich; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Zaiser; Speaker Klein

**NAYS:** Damschen; Froelich; Kasper; Meyer, S.

**ABSENT AND NOT VOTING:** Bernstein; Brandenburg; Dietrich; Hanson; Hawken; Kerzman; Koppelman; Maragos; Metcalf; Nicholas; Williams; Wrangham

HB 1018, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

### 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, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Headland; Herbel; Horte; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Speaker Klein

**NAYS:** Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Hanson; Hawken; Maragos; Nicholas; Wrangham

HB 1019, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; 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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Headland; Herbel; Horte; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hanson; Hawken; Maragos; Nicholas

Engrossed HB 1020 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1021:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide a line of credit and an appropriation for repayment; to amend and reenact section 61-02-23.3 of the North Dakota Century Code, relating to the operation of the Devils Lake outlet; and to transfer funds from the water development trust fund to the general fund.

**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, 21 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Haas; Headland; Herbel; Horter; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Ekstrom; Glassheim; Gulleson; Hunskor; Iverson; Kaldor; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Onstad; Potter; Sandvig; Solberg; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Charging; Conrad; Hanson; Hawken; Maragos; Nicholas

HB 1021, as amended, passed and the title was agreed to.

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**MOTION**

**REP. BERG MOVED** that HB 1153 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1153:** A BILL for an Act to amend and reenact section 11 of chapter 535 of the 1999 Session Laws, as amended by section 1 of chapter 559 of the 2001 Session Laws, as amended by section 1 of chapter 549 of the 2003 Session Laws, relating to the issuance of bonds for construction of an outlet from Devils Lake; to amend and reenact sections 61-02.1-01 and 61-02.1-02.1 of the North Dakota Century Code, relating to the water commission's authority to issue bonds for projects; to repeal section 61-02.1-02 of the North Dakota Century Code, relating to bond issuance amount limits; 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 83 YEAS, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Haas; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Delzer; Drovdal; Gulleson; Kempenich; Porter

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas

HB 1153, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance.

**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; Belter; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Berg; Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas

HB 1022, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; and to amend and reenact section 54-44.1-11 of the North Dakota Century Code, relating to the cancellation of unexpended appropriations.

**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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas

HB 1023, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1035:** A BILL for an Act to provide for a state government performance and accountability system; to amend and reenact sections 54-44.1-06 and 54-44.1-08 of the North Dakota Century Code, relating to information included in the executive budget; and to provide an appropriation.

**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 78 YEAS, 10 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.



**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Monson; Mueller; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Delmore; Froelich; Kerzman; Kroeber; Meyer, S.; Nelson; Schmidt; Solberg; Thorpe; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas

HB 1035, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1334:** A BILL for an Act to establish a state employee compensation pool and to provide for transfers of appropriation authority, subject to budget section approval.

### 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 49 YEAS, 38 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Drovdal; Froseth; Galvin; Grande; Haas; Headland; Herbel; Horter; Iverson; Kasper; Kempenich; Kingsbury; Koppelman; Kreidt; Monson; Norland; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Carlisle; Conrad; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Gulleon; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Nottestad; Onstad; Owens; Potter; Sandvig; Schmidt; Solberg; Thorpe; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas; Williams

HB 1334, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1394:** A BILL for an Act to provide a general fund appropriations guideline.

### 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 50 YEAS, 36 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Headland; Herbel; Horter; Iverson; Kasper; Kelsch, R.; Kempenich; Kingsbury; Koppelman; Kreidt; Meier, L.; Monson; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Carlisle; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gulleon; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsh, S.; Kerzman; Klemin; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Potter; Sandvig; Schmidt; Solberg; Thorpe; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas; Wieland; Williams

HB 1394, as amended, passed and the title was agreed to.

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# **MOTION**

**REP. BERG MOVED** that HB 1015 be placed at the top of the Seventh order, which motion prevailed.

## **REPORT OF STANDING COMMITTEE (MINORITY)**

**HB 1015: Appropriations (Rep. K. Svedjan, Chairman)** A **MINORITY** of your committee (Reps. Glassheim, Martinson, Gulleason, Carlisle, Thoreson, Kroeber, Williams, Bellew, Kerzman, Metcalf) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 4, remove "; to create and enact a new subsection to"

Page 1, remove line 5

Page 1, line 6, remove "fund", after "reenact" insert "section 4-28-08," and after the second comma insert "54-52.1-06, and"

Page 1, line 7, remove ", and 57-51.1-07.2" and after "to" insert "the state wheat commission fund,"

Page 1, line 8, after the first comma insert "and" and replace ", and the permanent oil tax trust fund; to repeal section" with "; and to provide an appropriation to the legislative assembly."

Page 1, remove lines 9 and 10

Page 2, line 1, replace "(\$1,829,306)" with "(\$1,876,214)"

Page 2, line 3, replace "1,911,000" with "111,000"

Page 2, after line 3, insert:  
"Grants

210,000"

Page 2, line 6, replace "6,323,982" with "4,687,074"

Page 2, line 7, replace "3,794,805" with "1,985,524"

Page 2, line 8, replace "2,529,177" with "2,701,550"

Page 2, line 15, replace "13,558,925" with "13,512,017"

Page 2, line 17, replace "2,644,000" with "844,000"

Page 2, line 18, replace "179,000" with "389,000"

Page 2, line 21, replace "33,952,969" with "32,316,061"

Page 2, line 22, replace "11,683,281" with "9,874,000"

Page 2, line 23, replace "22,269,688" with "22,442,061"

Page 3, remove lines 22 through 31

Page 4, remove lines 1 through 10

Page 5, remove lines 1 through 10

Page 5, line 11, remove "requested by the director of the office of management and budget."

Page 5, line 13, replace "The director may determine what portion of the shortfall will be covered by the" with:

**"SECTION 11. AMENDMENT.** Section 4-28-08 of the North Dakota Century Code is amended and reenacted as follows:

**4-28-08. State wheat commission fund —Continuing appropriation.** Each first purchaser shall make quarterly reports and returns to the commission, on or before the twentieth day of the month next succeeding each calendar quarterly period, commencing with the calendar quarter ending September 30, 1995. The commission shall prescribe the forms to be used. With each report and return, the first purchaser shall remit to the commission, in the form of a remittance payable to the state treasurer, the tax due. The commission shall transmit all such payments to the state treasurer to be deposited in the state treasury to the credit of ~~a special revolving fund known as the~~ "state wheat commission fund". All money in the state wheat commission fund ~~is appropriated on a continuing basis to the commission~~ may be spent pursuant to legislative appropriation for carrying out the purposes of this chapter. Expenditures from the fund may be made upon vouchers duly approved by the commission to carry out this chapter. Regular audits of the commission's accounts must be conducted in accordance with chapter 54-10."

Page 5, remove lines 14 and 15

Page 6, remove lines 28 through 31

Page 7, remove lines 1 through 3

Page 7, replace lines 16 through 31 with:

**"SECTION 15. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the legislative assembly for designing and remodeling the cloak room and bill room and as part of the remodeling project to make a new committee hearing room, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 8, remove lines 1 through 10

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1015 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Office of Management and Budget			
Total all funds	\$33,952,969	(\$1,636,908)	\$32,316,061
Less estimated income	11,683,281	(1,809,281)	9,874,000
General fund	\$22,269,688	\$172,373	\$22,442,061
Legislative Assembly			
Total all funds	\$0	\$100,000	\$100,000
Less estimated income			
General fund	\$0	\$100,000	\$100,000
Bill Total			
Total all funds	\$33,952,969	(\$1,536,908)	\$32,416,061
Less estimated income	11,683,281	(1,809,281)	9,874,000
General fund	\$22,269,688	\$272,373	\$22,542,061

##### House Bill No. 1015 - Office of Management and Budget - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$13,558,925	(\$46,908)	\$13,512,017
Operating expenses	11,233,906		11,233,906
Capital assets	2,644,000	(1,800,000)	844,000
Grants	179,000	210,000	389,000
Prairie Public Broadcasting	1,337,138		1,337,138
Statewide equity pool	5,000,000		5,000,000
Total all funds	\$33,952,969	(\$1,636,908)	\$32,316,061
Less estimated income	11,683,281	(1,809,281)	9,874,000
General fund	\$22,269,688	\$172,373	\$22,442,061
FTE	130.50	0.00	130.50

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

REMOVES FUNDING FOR	ADDS FUNDING FOR NORTH
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	REDUCES COMPENSATION PACKAGE TO 3/4	ENERGY SAVINGS PROJECT <sup>1</sup>	CENTRAL COUNCIL OF TV <sup>2</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$46,908)			(\$46,908)
Operating expenses				
Capital assets		(\$1,800,000)		(1,800,000)
Grants			\$210,000	210,000
Prairie Public Broadcasting				
Statewide equity pool				
Total all funds	(\$46,908)	(\$1,800,000)	\$210,000	(\$1,636,908)
Less estimated income	(9,281)	(1,800,000)		(1,809,281)
General fund	(\$37,627)	\$0	\$210,000	\$172,373
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment removes the spending authority for a Capitol complex energy savings program. The program is anticipated to proceed, but spending authority is not needed because it will be funded by a third party. The related section of the bill providing for the establishment of a facility management fund is also removed.

<sup>2</sup> This amendment adds grant funding for the North Central Council of School TV.

This amendment removes the section providing for the contingent permanent oil tax trust fund and Bank of North Dakota transfers to the general fund, which is also included in House Bill No. 1443, and removes the statutory change from \$71 million to \$84.5 million related to oil taxes to be deposited in the general fund.

This amendment removes the language providing for the repeal of the budget stabilization fund, which is addressed in House Bill No. 1444.

This amendment removes the North Dakota Wheat Commission continuing appropriation authority and requires the commission to submit a budget to the Legislative Assembly.

#### House Bill No. 1015 - Legislative Assembly - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Capital assets		<u>\$100,000</u>	<u>\$100,000</u>
Total all funds	\$0	\$100,000	\$100,000
Less estimated income			
General fund	\$0	\$100,000	\$100,000
FTE	0.00	0.00	0.00

#### Dept. 150 - Legislative Assembly - Detail of House Changes

	ADDS FUNDING FOR REMODELING CLOAK AND BILL ROOMS <sup>1</sup>	TOTAL HOUSE CHANGES
Capital assets	<u>\$100,000</u>	<u>\$100,000</u>
Total all funds	\$100,000	\$100,000
Less estimated income		
General fund	\$100,000	\$100,000
FTE	0.00	0.00

<sup>1</sup> This amendment adds \$100,000 to the Legislative Assembly for designing and remodeling the cloak room and bill room and as part of the remodeling project make a new hearing room.

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

#### REPORT OF STANDING COMMITTEE (MAJORITY)

**HB 1015: Appropriations (Rep. K. Svedjan, Chairman) A MAJORITY** of your committee (Reps. Svedjan, Timm, Brusegaard, Rennerfeldt, Wald, Aarsvold, Kempenich, Carlson, Skarphol, Monson, Delzer, Pollert, Wieland) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 4, remove "; to create and enact a new subsection to"

Page 1, remove line 5

Page 1, line 6, remove "fund", after "reenact" insert "section 4-28-08," and after the second comma insert "54-52.1-06, and"

Page 1, line 7, remove ", and 57-51.1-07.2" and after "to" insert "the state wheat commission fund,"

Page 1, line 8, after the first comma insert "and" and replace ", and the permanent oil tax trust fund; to repeal section" with "; and to provide an appropriation to the legislative assembly."

Page 1, remove lines 9 and 10

Page 2, line 1, replace "(\$1,829,306)" with "(\$1,876,214)"

Page 2, line 3, replace "1,911,000" with "111,000"

Page 2, after line 3, insert:

"Grants

210,000"

Page 2, line 4, replace "1,337,138" with "1,337,138"

Page 2, remove line 5

Page 2, line 6, replace "\$6,323,982" with "(\$312,926)"

Page 2, line 7, replace "3,794,805" with "(514,476)"

Page 2, line 8, replace "2,529,177" with "201,550"

Page 2, line 15, replace "13,558,925" with "13,512,017"

Page 2, line 17, replace "2,644,000" with "844,000"

Page 2, line 18, replace "179,000" with "389,000"

Page 2, line 19, replace "1,337,138" with "1,337,138"

Page 2, remove line 20

Page 2, line 21, replace "33,952,969" with "27,316,061"

Page 2, line 22, replace "11,683,281" with "7,374,000"

Page 2, line 23, replace "22,269,688" with "19,942,061"

Page 3, remove lines 3 through 31

Page 4, remove lines 1 through 10

Page 5, remove lines 1 through 10

Page 5, line 11, remove "requested by the director of the office of management and budget."

Page 5, line 13, replace "The director may determine what portion of the shortfall will be covered by the" with:

**"SECTION 10. AMENDMENT.** Section 4-28-08 of the North Dakota Century Code is amended and reenacted as follows:

**4-28-08. State wheat commission fund** ~~—Continuing appropriation.~~ Each first purchaser shall make quarterly reports and returns to the commission, on or before the twentieth day of the month next succeeding each calendar quarterly period, commencing with the calendar quarter ending September 30, 1995. The commission shall prescribe the forms to be used. With each report and return, the first purchaser shall remit to the commission, in the form of a remittance payable to the state treasurer, the tax due. The commission shall transmit all such payments to the state treasurer to be deposited in the state treasury to the credit of ~~a special revolving fund known as the~~ "state wheat commission fund". All money in the state wheat commission fund ~~is appropriated on a continuing basis to the commission~~ may be spent pursuant to

legislative appropriation for carrying out the purposes of this chapter. Expenditures from the fund may be made upon vouchers duly approved by the commission to carry out this chapter. Regular audits of the commission's accounts must be conducted in accordance with chapter 54-10."

Page 5, remove lines 14 and 15

Page 6, remove lines 28 through 31

Page 7, remove lines 1 through 3

Page 7, replace lines 16 through 31 with:

**"SECTION 14. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the legislative assembly for designing and remodeling the cloak room and bill room and as part of the remodeling project to make a new committee hearing room, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 8, remove lines 1 through 10

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1015 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Office of Management and Budget			
Total all funds	\$33,952,969	(\$6,636,908)	\$27,316,061
Less estimated income	11,683,281	(4,309,281)	7,374,000
General fund	\$22,269,688	(\$2,327,627)	\$19,942,061
Legislative Assembly			
Total all funds	\$0	\$100,000	\$100,000
Less estimated income			
General fund	\$0	\$100,000	\$100,000
Bill Total			
Total all funds	\$33,952,969	(\$6,536,908)	\$27,416,061
Less estimated income	11,683,281	(4,309,281)	7,374,000
General fund	\$22,269,688	(\$2,227,627)	\$20,042,061

##### House Bill No. 1015 - Office of Management and Budget - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$13,558,925	(\$46,908)	\$13,512,017
Operating expenses	11,233,906		11,233,906
Capital assets	2,644,000	(1,800,000)	844,000
Grants	179,000	210,000	389,000
Prairie Public Broadcasting	1,337,138		1,337,138
Statewide equity pool	5,000,000	(5,000,000)	
Total all funds	\$33,952,969	(\$6,636,908)	\$27,316,061
Less estimated income	11,683,281	(4,309,281)	7,374,000
General fund	\$22,269,688	(\$2,327,627)	\$19,942,061
FTE	130.50	0.00	130.50

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

	REDUCES COMPENSATION PACKAGE TO 3/4	REMOVES FUNDING FOR ENERGY SAVINGS PROJECT <sup>1</sup>	REMOVES FUNDING FOR STATEWIDE EQUITY POOL <sup>2</sup>	ADDS FUNDING FOR NORTH CENTRAL COUNCIL OF TV <sup>3</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$46,908)				(\$46,908)
Operating expenses					
Capital assets		(\$1,800,000)			(1,800,000)
Grants				\$210,000	210,000
Prairie Public Broadcasting					
Statewide equity pool			(\$5,000,000)		(5,000,000)
Total all funds	(\$46,908)	(\$1,800,000)	(\$5,000,000)	\$210,000	(\$6,636,908)

Less estimated income	(9,281)	(1,800,000)	(2,500,000)	_____	(4,309,281)
General fund	(\$37,627)	\$0	(\$2,500,000)	\$210,000	(\$2,327,627)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment removes the spending authority for a Capitol complex energy savings program. The program is anticipated to proceed, but spending authority is not needed because it will be funded by a third party. The related section of the bill providing for the establishment of a facility management fund is also removed.

<sup>2</sup> This amendment removes \$5 million of funding from this bill for statewide market equity compensation adjustments for classified state employees and related intent regarding state employee salary increases, to be addressed in House Bill No. 1050.

<sup>3</sup> This amendment adds grant funding for the North Central Council of School TV.

This amendment removes the section providing for the contingent permanent oil tax trust fund and Bank of North Dakota transfers to the general fund, which is also included in House Bill No. 1443, and removes the statutory change from \$71 million to \$84.5 million related to oil taxes to be deposited in the general fund.

This amendment removes the language providing for the repeal of the budget stabilization fund, which is addressed in House Bill No. 1444.

This amendment removes the North Dakota Wheat Commission continuing appropriation authority and requires the commission to submit a budget to the Legislative Assembly.

#### House Bill No. 1015 - Legislative Assembly - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Capital assets	_____	<u>\$100,000</u>	<u>\$100,000</u>
Total all funds	\$0	\$100,000	\$100,000
Less estimated income	_____	_____	_____
General fund	\$0	\$100,000	\$100,000
FTE	0.00	0.00	0.00

#### Dept. 150 - Legislative Assembly - Detail of House Changes

	ADDS FUNDING FOR REMODELING CLOAK AND BILL ROOMS <sup>1</sup>	TOTAL HOUSE CHANGES
Capital assets	<u>\$100,000</u>	<u>\$100,000</u>
Total all funds	\$100,000	\$100,000
Less estimated income	_____	_____
General fund	\$100,000	\$100,000
FTE	0.00	0.00

<sup>1</sup> This amendment adds \$100,000 to the Legislative Assembly for designing and remodeling the cloak room and bill room and as part of the remodeling project make a new hearing room.

### SEVENTH ORDER OF BUSINESS

#### MOTION

**REP. GLASSHEIM MOVED** that the report of the Minority be substituted for the report of the Majority on HB 1015.

#### REQUEST

**REP. BERG REQUESTED** a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on HB 1015, 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 HB 1015, the roll was called and there were 41 YEAS, 47 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Carlisle; Conrad; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Gulleson; Horter; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nottestad; Onstad; Owens; Porter; Potter; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Weiler; Williams; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Drovda; Froseth; Galvin; Grande; Haas; Headland; Herbel; Iverson; Johnson, D.; Kasper; Kempenich; Kingsbury; Koppelman; Kreidt; Monson; Nelson; Norland; Pietsch; Pollert; Price; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas

The motion that the report of the Minority be substituted for the report of the Majority on HB 1015 failed, therefore, the report of the Majority was adopted.

#### MOTION

**REP. BERG MOVED** that they suspend the rules and move HB 1015 to the Eleventh Order, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1015:** 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 amend and reenact section 4-28-08, subsection 6 of section 37-17.1-06, and sections 54-23.2-01, 54-52.1-06, and 57-40.6-12 of the North Dakota Century Code, relating to the state wheat commission fund, the division of emergency management, and state radio; and to provide an appropriation to the legislative assembly.

#### 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 41 YEAS, 47 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Carlisle; Conrad; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Gulleson; Horter; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nottestad; Onstad; Owens; Porter; Potter; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Weiler; Williams; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Drovda; Froseth; Galvin; Grande; Haas; Headland; Herbel; Iverson; Johnson, D.; Kasper; Kempenich; Kingsbury; Koppelman; Kreidt; Monson; Nelson; Norland; Pietsch; Pollert; Price; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas

HB 1015, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF STANDING COMMITTEE (MINORITY)

**HB 1012: Appropriations (Rep. K. Svedjan, Chairman)** A MINORITY of your committee (Reps. Metcalf, Aarsvold, Gulleson, Kroeber, Williams, Glassheim, Kerzman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after the semicolon insert "to provide an exception; to provide for a legislative council study; to provide for a transfer to the general fund; and" and remove "between agencies and"

Page 1, line 3, remove "institutions; and to declare an emergency"



Page 3, line 28, replace "\$448,535" with "\$486,633"

Page 3, line 29, replace "27,401,520" with "(1,787,339)"

Page 4, line 1, replace "\$23,691,491" with "(\$5,535,446)"

Page 4, line 2, replace "14,244,468" with "(11,288,586)"

Page 4, line 3, replace "9,447,023" with "5,753,120"

Page 4, line 6, replace "1,000,559" with "699,801"

Page 4, line 7, replace "851,164" with "(109,195)"

Page 4, line 9, replace "45,368,268" with "44,572,418"

Page 4, line 10, replace "79,097,595" with "86,757,233"

Page 4, line 11, replace "126,311,778" with "131,914,449"

Page 4, line 12, replace "68,635,940" with "73,379,224"

Page 4, line 13, replace "57,675,838" with "58,535,225"

Page 4, line 18, replace "104,077" with "43,292"

Page 4, line 19, replace "45,570" with "39,123"

Page 4, line 20, replace "58,507" with "4,169"

Page 4, line 22, replace "868,348" with "713,327"

Page 4, line 23, replace "546,522" with "533,839"

Page 4, line 24, replace "321,826" with "179,488"

Page 4, line 26, replace "775,447" with "680,656"

Page 4, line 27, replace "438,908" with "431,083"

Page 4, line 28, replace "336,539" with "249,573"

Page 5, line 1, replace "1,254,959" with "1,055,769"

Page 5, line 2, replace "766,790" with "745,840"

Page 5, line 3, replace "488,169" with "309,929"

Page 5, line 5, replace "3,097,704" with "2,801,880"

Page 5, line 6, replace "2,458,495" with "2,430,373"

Page 5, line 7, replace "639,209" with "371,507"

Page 5, line 9, replace "880,017" with "780,171"

Page 5, line 10, replace "590,489" with "578,413"

Page 5, line 11, replace "289,528" with "201,758"

Page 5, line 13, replace "1,115,775" with "920,924"

Page 5, line 14, replace "553,568" with "537,278"

Page 5, line 15, replace "562,207" with "383,646"

Page 5, line 17, replace "464,164" with "383,660"

Page 5, line 18, replace "260,454" with "250,774"

Page 5, line 19, replace "203,710" with "132,886"

Page 5, line 21, replace "383,417" with "230,001"

Page 5, line 22, replace "5,455,560" with "5,430,860"

Page 5, line 23, replace "5,838,977" with "5,660,861"

Page 5, line 24, replace "(794,489)" with "(728,482)"

Page 5, line 25, replace "6,633,466" with "6,389,343"

Page 5, line 27, replace "2,285,320" with "1,463,546"

Page 5, line 28, replace "(599,876)" with "(1,124,148)"

Page 5, line 29, replace "2,885,196" with "2,587,694"

Page 5, line 30, replace "16,434,788" with "14,254,086"

Page 5, line 31, replace "4,266,431" with "3,694,093"

Page 6, line 1, replace "12,168,357" with "10,559,993"

Page 6, line 2, replace "79,291,218" with "74,848,338"

Page 6, line 3, replace "87,146,839" with "65,784,731"

Page 6, line 4, replace "166,438,057" with "140,633,069"

Page 6, line 12, replace "ADMINISTRATION - SUPPORT" with "MANAGEMENT"

Page 6, line 13, replace "10,567,750" with "10,529,652"

Page 6, line 14, replace "60,968,708" with "31,779,849"

Page 6, line 16, replace "71,539,214" with "42,312,257"

Page 6, line 17, replace "48,374,575" with "22,841,521"

Page 6, line 18, replace "23,164,639" with "19,470,736"

Page 6, line 20, replace "PROGRAM/POLICY MANAGEMENT" with "PROGRAM AND POLICY"

Page 6, line 21, replace "23,054,340" with "22,753,582"

Page 6, line 22, replace "38,232,573" with "37,272,214"

Page 6, line 24, replace "334,055,993" with "333,260,143"

Page 6, line 25, replace "1,000,774,769" with "1,008,434,407"

Page 6, line 26, replace "1,396,151,539" with "1,401,754,210"

Page 6, line 27, replace "1,027,728,022" with "1,032,471,306"

Page 6, line 28, replace "368,423,517" with "369,282,904"

Page 7, line 1, replace "7,379,756" with "7,318,971"

Page 7, line 2, replace "3,691,210" with "3,684,763"

Page 7, line 3, replace "3,688,546" with "3,634,208"

Page 7, line 5, replace "15,433,218" with "15,278,197"

Page 7, line 6, replace "7,270,196" with "7,257,513"

Page 7, line 7, replace "8,163,022" with "8,020,684"

Page 7, line 9, replace "9,196,380" with "9,101,589"

Page 7, line 10, replace "4,221,881" with "4,214,056"

Page 7, line 11, replace "4,974,499" with "4,887,533"

Page 7, line 13, replace "20,696,142" with "20,496,952"

Page 7, line 14, replace "12,211,610" with "12,190,660"

Page 7, line 15, replace "8,484,532" with "8,306,292"

Page 7, line 17, replace "23,822,246" with "23,526,422"

Page 7, line 18, replace "13,673,717" with "13,645,595"

Page 7, line 19, replace "10,148,529" with "9,880,827"

Page 7, line 21, replace "12,238,992" with "12,139,146"

Page 7, line 22, replace "6,322,357" with "6,310,281"

Page 7, line 23, replace "5,916,635" with "5,828,865"

Page 7, line 25, replace "18,700,619" with "18,505,768"

Page 7, line 26, replace "9,675,203" with "9,658,913"

Page 7, line 27, replace "9,025,416" with "8,846,855"

Page 7, line 29, replace "9,388,791" with "9,308,287"

Page 7, line 30, replace "4,819,177" with "4,809,497"

Page 7, line 31, replace "4,569,614" with "4,498,790"

Page 8, line 2, replace "42,272,978" with "42,119,562"

Page 8, line 3, replace "5,455,560" with "5,430,860"

Page 8, line 4, replace "47,728,538" with "47,550,422"

Page 8, line 5, replace "15,610,871" with "15,676,878"

Page 8, line 6, replace "32,117,667" with "31,873,544"

Page 8, line 8, replace "43,046,377" with "42,224,603"

Page 8, line 9, replace "31,349,952" with "30,825,680"

Page 8, line 10, replace "11,696,425" with "11,398,923"

Page 8, line 11, replace "207,631,059" with "205,450,357"

Page 8, line 12, replace "108,846,174" with "108,273,836"

Page 8, line 13, replace "98,784,885" with "97,176,521"

Page 8, line 14, replace "490,373,041" with "485,930,161"

Page 8, line 15, replace "1,184,948,771" with "1,163,586,663"

Page 8, line 16, replace "1,675,321,812" with "1,649,516,824"

Page 8, line 17, after "**MEDICAID**" insert "- **EMERGENCY COMMISSION AND BUDGET SECTION APPROVAL**" and replace "The" with "Subject to emergency commission and budget section approval, the"

Page 8, line 21, replace "The department of human services" with:

**"SECTION 5. MEDICAID ELIGIBILITY REVIEWS - CONTINGENT FUNDING.**

The appropriation in subdivision 2 of section 3 of this Act includes \$615,000 from the general fund and \$615,000 of federal funds for payment error rate measurement eligibility reviews for the medical assistance program. If the department of human services is not required by the federal government to conduct these reviews, the department may not spend these funds for the biennium beginning July 1, 2005, and ending June 30, 2007.

**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 3 of this Act and between subdivisions within section 3 of this Act for the biennium beginning July 1, 2005, and ending June 30, 2007. 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, 2006, any transfers made in excess of \$50,000 and to the appropriations committees of the sixtieth legislative assembly regarding any transfers made pursuant to this section.

**SECTION 7. ESTIMATED INCOME - LIMIT - COMMUNITY HEALTH TRUST FUND.** The estimated income line item in subdivision 2 of section 3 of this Act includes \$114,755 from the community health trust fund. The department of human services expenditures from this fund may not exceed this amount for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 8. COMPULSIVE GAMBLING PREVENTION AND TREATMENT FUND - TRANSFER TO THE GENERAL FUND.** On July 1, 2005, the director of the office of management and budget and the state treasurer shall transfer \$100,000 from the compulsive gambling prevention and treatment fund to the general fund.

**SECTION 9. LEGISLATIVE COUNCIL STUDY - LONG-TERM CARE.** During the 2005-06 interim, the legislative council shall consider studying, with input from representatives of the department of human services and the long-term care industry, methods of improving the sustainability of funding long-term care services in the state, including a review of case mix and rate equalization, consideration of additional support for facilities providing additional restorative care services, and consideration of options for reducing the number of required reports of facilities providing high-quality care or for seeking waivers to change the survey process."

Page 8, remove lines 22 through 31

Page 9, remove lines 1 through 12

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1012 - Summary of House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
DHS - Management			
Total all funds	\$71,539,214	(\$29,226,957)	\$42,312,257
Less estimated income	48,374,575	(25,533,054)	22,841,521
General fund	\$23,164,639	(\$3,693,903)	\$19,470,736
DHS - Program/Policy			
Total all funds	\$1,396,151,539	\$5,602,671	\$1,401,754,210
Less estimated income	1,027,728,022	4,743,284	1,032,471,306
General fund	\$368,423,517	\$859,387	\$369,282,904
DHS - State Hospital			
Total all funds	\$47,728,538	(\$178,116)	\$47,550,422
Less estimated income	15,610,871	66,007	15,676,878
General fund	\$32,117,667	(\$244,123)	\$31,873,544
DHS - Developmental Center			
Total all funds	\$43,046,377	(\$821,774)	\$42,224,603
Less estimated income	31,349,952	(524,272)	30,825,680
General fund	\$11,696,425	(\$297,502)	\$11,398,923
DHS - Northwest HSC			
Total all funds	\$7,379,756	(\$60,785)	\$7,318,971
Less estimated income	3,691,210	(6,447)	3,684,763
General fund	\$3,688,546	(\$54,338)	\$3,634,208
DHS - North Central HSC			
Total all funds	\$15,433,218	(\$155,021)	\$15,278,197
Less estimated income	7,270,196	(12,683)	7,257,513

General fund	\$8,163,022	(\$142,338)	\$8,020,684
DHS - Lake Region HSC			
Total all funds	\$9,196,380	(\$94,791)	\$9,101,589
Less estimated income	<u>4,221,881</u>	<u>(7,825)</u>	<u>4,214,056</u>
General fund	\$4,974,499	(\$86,966)	\$4,887,533
DHS - Northeast HSC			
Total all funds	\$20,696,142	(\$199,190)	\$20,496,952
Less estimated income	<u>12,211,610</u>	<u>(20,950)</u>	<u>12,190,660</u>
General fund	\$8,484,532	(\$178,240)	\$8,306,292
DHS - Southeast HSC			
Total all funds	\$23,822,246	(\$295,824)	\$23,526,422
Less estimated income	<u>13,673,717</u>	<u>(28,122)</u>	<u>13,645,595</u>
General fund	\$10,148,529	(\$267,702)	\$9,880,827
DHS - South Central HSC			
Total all funds	\$12,238,992	(\$99,846)	\$12,139,146
Less estimated income	<u>6,322,357</u>	<u>(12,076)</u>	<u>6,310,281</u>
General fund	\$5,916,635	(\$87,770)	\$5,828,865
DHS - West Central HSC			
Total all funds	\$18,700,619	(\$194,851)	\$18,505,768
Less estimated income	<u>9,675,203</u>	<u>(16,290)</u>	<u>9,658,913</u>
General fund	\$9,025,416	(\$178,561)	\$8,846,855
DHS - Badlands HSC			
Total all funds	\$9,388,791	(\$80,504)	\$9,308,287
Less estimated income	<u>4,819,177</u>	<u>(9,680)</u>	<u>4,809,497</u>
General fund	\$4,569,614	(\$70,824)	\$4,498,790
Bill Total			
Total all funds	\$1,675,321,812	(\$25,804,988)	\$1,649,516,824
Less estimated income	<u>1,184,948,771</u>	<u>(21,362,108)</u>	<u>1,163,586,663</u>
General fund	\$490,373,041	(\$4,442,880)	\$485,930,161

**House Bill No. 1012 - Department of Human Services - Management - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$10,567,750	(\$38,098)	\$10,529,652
Operating expenses	60,968,708	(29,188,859)	31,779,849
Capital assets	<u>2,756</u>		<u>2,756</u>
Total all funds	\$71,539,214	(\$29,226,957)	\$42,312,257
Less estimated income	<u>48,374,575</u>	<u>(25,533,054)</u>	<u>22,841,521</u>
General fund	\$23,164,639	(\$3,693,903)	\$19,470,736
FTE	99.10	0.00	99.10

**Dept. 326 - Department of Human Services - Management - Detail of House Changes**

	HOUSE CHANGES <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$38,098)	(\$38,098)
Operating expenses	(29,188,859)	(29,188,859)
Capital assets		
Total all funds	(\$29,226,957)	(\$29,226,957)
Less estimated income	<u>(25,533,054)</u>	<u>(25,533,054)</u>
General fund	(\$3,693,903)	(\$3,693,903)
FTE	0.00	0.00

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> Management - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$26,083)	(\$12,015)	(\$38,098)
<b>Administration Support Program</b>				
None				
<b>Division of Information Technology Program</b>				
Removes funding for the Medicaid management information system (MMIS) computer system replacement project		(3,667,820)	(25,521,039)	(29,188,859)
<b>Total House Changes - Management</b>	0.00	(\$3,693,903)	(\$25,533,054)	(\$29,226,957)

**Other changes affecting management programs or multiple programs of the department:**

A section is added authorizing the department to transfer funds between line items and between subdivisions without Emergency Commission approval. The department is to report any transfers to the Office of Management and Budget and to the Appropriations Committees of the 2007 Legislative Assembly and any transfers over \$50,000 to the Budget Section after June 30, 2006.

Section 5 of the bill is removed which authorized the department to transfer appropriation authority and to transfer or add FTE positions to the State Hospital, Developmental Center, or human service centers.

Section 6 of the bill is removed which appropriated any additional federal funds received by the department for low-income home energy assistance and food stamp benefits in excess of the amounts appropriated by the Legislative Assembly for the 2005-07 biennium.

Section 7 of the bill is removed which provided an emergency clause for the Medicaid management information system computer system project.

### House Bill No. 1012 - Department of Human Services - Program/Policy - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Salaries and wages	\$23,054,340	(\$300,758)	\$22,753,582		
Operating expenses	38,232,573	(960,359)	37,272,214		
Capital assets	33,864		33,864		
Grants	334,055,993	(795,850)	333,260,143		
Grants - Medical assistance	<u>1,000,774,760</u>	<u>7,659,638</u>	<u>1,008,434,407</u>		
Total all funds	\$1,396,151,539	\$5,602,671	\$1,401,754,210		
Less estimated income	<u>1,027,728,022</u>	<u>4,743,284</u>	<u>1,032,471,306</u>		
General fund	\$368,423,517	\$859,387	\$369,282,904		
FTE	233.30	(1.00)	232.30		
		FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> Program/Policy - House Changes:</b>					
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year			(\$26,297)	(\$45,923)	(\$72,220)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover			(140,000)		(140,000)
Reduces operating expenses of all programs within this subdivision			(50,000)		(50,000)
<b>Economic Assistance Policy Program</b>					
Removes funding for outreach services of the food stamp program			(25,000)	(25,000)	(50,000)
<b>Child Support Program</b>					
Reduces the operating expenses line item to remove federal funds for cooperative agreements with a county or tribe for centralized administration of child support enforcement services				(822,970)	(822,970)
House Bill No. 1172 includes a continuing appropriation for these funds.					
Reduces general fund support for the Lake Region child support enforcement unit from \$215,016 to \$150,016			(65,000)		(65,000)
<b>Medical Services Program</b>					
Removes the pharmacy assistant position added in the executive budget		(1.00)	(22,135)	(66,403)	(88,538)
Removes funding for the Global Insight contract due to changes in determining inflationary rates for nursing homes as provided in House Bill No. 1252			(5,920)	(5,919)	(11,839)
Removes funding for the department to contract for generic prescription drug detailing services			(237,775)	(237,775)	(475,550)
Adds funding for operating expenses associated with provisions of House Bill No. 1459 relating to management of the medical assistance program			282,500	282,500	565,000
Reduces medical assistance grants to reflect savings as a result of provisions of House Bill No. 1459 relating to management of the medical assistance program			(537,030)	(992,970)	(1,530,000)
Reduces medical assistance grants to reflect provisions of House Bill No. 1181 which allow a Medicaid recipient to set aside up to \$5,000			(91,405)	(161,095)	(252,500)

for funeral expenses rather than \$3,000 under current law and \$5,500 as recommended by the Governor

Adds funding for medical assistance grants to adjust the anticipated funding needed for medical assistance services	1,050,000	1,941,453	2,991,453
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Adds funding for increasing ambulance services payment rates with 50 percent of the funds to be used for increasing air ambulance rates and 50 percent for ground ambulance rates	60,000	110,940	170,940
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Reduces funding from the community health trust fund for breast and cervical cancer treatment services to the 2003-05 appropriation level. A section is added to the bill limiting the department's expenditures from this special fund during the 2005-07 biennium.		(139,601)	(139,601)
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#### Long-Term Care Program

Reflects the department's reprojections of anticipated funding needed for home and community-based services programs	(1,987,684)	5,724	(1,981,960)
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Reduces funding for nursing facilities to reflect provisions of House Bill No. 1252 which base nursing home payment rates on inflationary rates as determined by the Legislative Assembly. The inflationary rates being used for nursing home rates for the 2005-07 biennium are 2 percent for each year of the biennium.	(1,755,456)	(3,164,516)	(4,919,972)
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Reduces funding for nursing facilities to reflect a reduction in the estimated average number of nursing facility beds needed for Medicaid recipients from 3,631 to 3,600	(1,025,765)	(1,893,498)	(2,919,263)
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Adds funding for basic care facilities to reflect provisions of House Bill No. 1252 which base basic care payment rates on inflationary rates as determined by the Legislative Assembly. The inflationary rates being used for basic care rates for the 2005-07 biennium are 2 percent for each year of the biennium.	162,051	73,408	235,459
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Adds funding to increase the maximum amount of homemaker services an individual may receive from qualified service providers (QSP) under the service payments for the elderly and disabled (SPED) and expanded SPED programs from \$135 to \$185 per month	217,260	9,540	226,800
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#### Aging Services Program

None

#### Children and Family Services Program

Reduces federal funding for family preservation services. The department may seek Emergency Commission approval if additional federal funds become available for these services.		(750,000)	(750,000)
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Adds funding for increasing the maximum treatment services payment for residential child care facilities by \$2.65 per day, from the current level of \$11.50 to \$14.15 per day. The funding level provided maintains each facility's service rate at its current rate for the 2005-07 biennium.	50,008	348,248	398,256
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Reduces funding anticipated to be needed for foster care and subsidized adoption services	(250,000)	(344,106)	(594,106)
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#### Mental Health and Substance Abuse Program

Removes funding from the general fund for compulsive gambling treatment services and provides \$400,000 from the compulsive gambling treatment fund for these services in accordance with provisions of House Bill No. 1259	(150,000)	400,000	250,000
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Reduces operating expenses of this program	(50,000)		(50,000)
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#### Developmental Disabilities Council

None

#### Disabilities Program

Adds funding for increasing the average wage for employees of developmental disabilities services providers by \$1.05 per hour	6,057,035	10,960,848	17,017,883
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Adds funding for increasing payment rates for facilities serving children with extensive medical needs	100,000	184,900	284,900
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Reduces funding for the family subsidy program to \$810,056 from the general fund	(100,000)		(100,000)
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Reduces funding for supported living/extended services to \$200,000 from the general fund	(100,000)		(100,000)
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Reduces funding anticipated to be needed for developmental disabilities grants	(500,000)	(924,501)	(1,424,501)
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<b>Total House Changes - Program/Policy</b>	(1.00)	\$859,387	\$4,743,284	\$5,602,671
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**Other changes affecting Program/Policy programs:**

A section is added providing that if the federal government does not require states to conduct payment error rate measurement eligibility reviews, the department not spend the \$1,230,000, of which \$615,000 is from the general fund, included in its appropriation.

Section 4 of the bill is amended to require Emergency Commission and Budget Section approval before the department may hire FTE positions to assist with the payment error rate measurement eligibility reviews.

A section is added directing the Office of Management and Budget to transfer \$100,000 from the compulsive gambling prevention and treatment fund to the general fund on July 1, 2005.

A section is added providing for a Legislative Council long-term care study.

**House Bill No. 1012 - Department of Human Services - State Hospital - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Traditional Secure	\$42,272,978 <u>5,455,560</u>	(\$153,416) <u>(24,700)</u>	\$42,119,562 <u>5,430,860</u>		
Total all funds	\$47,728,538	(\$178,116)	\$47,550,422		
Less estimated income	<u>15,610,871</u>	<u>66,007</u>	<u>15,676,878</u>		
General fund	\$32,117,667	(\$244,123)	\$31,873,544		
FTE	424.01	0.00	424.01		
		FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> State Hospital - House Changes:</b>					
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year			(\$144,123)	(\$33,993)	(\$178,116)
Replaces funding from the general fund with special funds in anticipation of general fund savings and additional third-party collections			(100,000)	100,000	
<b>Total House Changes - State Hospital</b>		0.00	(\$244,123)	\$66,007	(\$178,116)

**House Bill No. 1012 - Department of Human Services - Developmental Center - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Human service centers/institutions	\$43,046,377	(\$821,774)	\$42,224,603		
Total all funds	\$43,046,377	(\$821,774)	\$42,224,603		
Less estimated income	<u>31,349,952</u>	<u>(524,272)</u>	<u>30,825,680</u>		
General fund	\$11,696,425	(\$297,502)	\$11,398,923		
FTE	451.54	0.00	451.54		
		FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> Developmental Center - House Changes:</b>					
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year			(\$47,502)	(\$62,021)	(\$109,523)
Reduces funding for operating costs of the Developmental Center			(250,000)	(462,251)	(712,251)
<b>Total House Changes - Developmental Center</b>		0.00	(\$297,502)	(\$524,272)	(\$821,774)

**House Bill No. 1012 - Human Service Centers - General Fund Summary**

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$3,688,546	(\$54,338)	\$3,634,208



DHS - North Central HSC	8,163,022	(142,338)	8,020,684
DHS - Lake Region HSC	4,974,499	(86,966)	4,887,533
DHS - Northeast HSC	8,484,532	(178,240)	8,306,292
DHS - Southeast HSC	10,148,529	(267,702)	9,880,827
DHS - South Central HSC	5,916,635	(87,770)	5,828,865
DHS - West Central HSC	9,025,416	(178,561)	8,846,855
DHS - Badlands HSC	4,569,614	(70,824)	4,498,790
Total general fund	\$54,970,793	(\$1,066,739)	\$53,904,054

### House Bill No. 1012 - Human Service Centers - Other Funds Summary

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$3,691,210	(\$6,447)	\$3,684,763
DHS - North Central HSC	7,270,196	(12,683)	7,257,513
DHS - Lake Region HSC	4,221,881	(7,825)	4,214,056
DHS - Northeast HSC	12,211,610	(20,950)	12,190,660
DHS - Southeast HSC	13,673,717	(28,122)	13,645,595
DHS - South Central HSC	6,322,357	(12,076)	6,310,281
DHS - West Central HSC	9,675,203	(16,290)	9,658,913
DHS - Badlands HSC	4,819,177	(9,680)	4,809,497
Total other funds	\$61,885,351	(\$114,073)	\$61,771,278

### House Bill No. 1012 - Human Service Centers - All Funds Summary

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$7,379,756	(\$60,785)	\$7,318,971
DHS - North Central HSC	15,433,218	(155,021)	15,278,197
DHS - Lake Region HSC	9,196,380	(94,791)	9,101,589
DHS - Northeast HSC	20,696,142	(199,190)	20,496,952
DHS - Southeast HSC	23,822,246	(295,824)	23,526,422
DHS - South Central HSC	12,238,992	(99,846)	12,139,146
DHS - West Central HSC	18,700,619	(194,851)	18,505,768
DHS - Badlands HSC	9,388,791	(80,504)	9,308,287
Total all funds	\$116,856,144	(\$1,180,812)	\$115,675,332
FTE	840.48	0.00	840.48

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> Human Service Center Changes:</b>				
<b>Northwest Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$13,719)	(\$6,447)	(\$20,166)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(20,000)		(20,000)
Reduces funding for operating costs of the human service center		(20,619)		(20,619)
<b>Total House Changes - Northwest Human Service Center</b>	0.00	(\$54,338)	(\$6,447)	(\$60,785)
<b>North Central Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$31,652)	(\$12,683)	(\$44,335)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(57,120)		(57,120)
Reduces funding for operating costs of the human service center		(53,566)		(53,566)
<b>Total House Changes - North Central Human Service Center</b>	0.00	(\$142,338)	(\$12,683)	(\$155,021)
<b>Lake Region Human Service Center - House Changes:</b>				
Reduces compensation adjustments 3 percent for the first year and 4 percent for the second year		(\$17,745)	(\$7,825)	(\$25,570)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(38,052)		(38,052)
Reduces funding for operating costs of the human service center		(31,169)		(31,169)
<b>Total House Changes - Lake Region Human Service Center</b>	0.00	(\$86,966)	(\$7,825)	(\$94,791)
<b>Northeast Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$27,919)	(\$20,950)	(\$48,869)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(97,692)		(97,692)
Reduces funding for operating costs of the human service center		(52,629)		(52,629)
<b>Total House Changes - Northeast Human Service Center</b>	0.00	(\$178,240)	(\$20,950)	(\$199,190)
<b>Southeast Human Service Center - House Changes:</b>				

Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$43,102)	(\$28,122)	(\$71,224)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(137,046)		(137,046)
Reduces funding for operating costs of the human service center		(87,554)		(87,554)
<b>Total House Changes - Southeast Human Service Center</b>	0.00	(\$267,702)	(\$28,122)	(\$295,824)
<b>South Central Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$21,647)	(\$12,076)	(\$33,723)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(20,000)		(20,000)
Reduces funding for operating costs of the human service center		(46,123)		(46,123)
<b>Total House Changes - South Central Human Service Center</b>	0.00	(\$87,770)	(\$12,076)	(\$99,846)
<b>West Central Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$32,866)	(\$16,290)	(\$49,156)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(69,804)		(69,804)
Reduces funding for operating costs of the human service center		(75,891)		(75,891)
<b>Total House Changes - West Central Human Service Center</b>	0.00	(\$178,561)	(\$16,290)	(\$194,851)
<b>Badlands Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$18,089)	(\$9,680)	(\$27,769)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(20,286)		(20,286)
Reduces funding for operating costs of the human service center		(32,449)		(32,449)
<b>Total House Changes - Badlands Human Service Center</b>	0.00	(\$70,824)	(\$9,680)	(\$80,504)

Total amounts for selected reductions reflected in this amendment include:

1. The 3 percent and 4 percent compensation package is \$718,769, of which \$450,744 is from the general fund.
2. Anticipation of savings from vacant positions and employee turnover is \$600,000 from the general fund.
3. Human service center operating cost reductions is \$400,000 from the general fund.

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

#### REPORT OF STANDING COMMITTEE (MAJORITY)

**HB 1012: Appropriations (Rep. K. Svedjan, Chairman)** A MAJORITY of your committee (Reps. Svedjan, Timm, Martinson, Brusegaard, Rennerfeldt, Wald, Carlisle, Kempenich, Thoreson, Carlson, Skarphol, Monson, Delzer, Pollert, Bellew, Wieland) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after the semicolon insert "to provide an exception; to provide for a legislative council study; to provide for a transfer to the general fund; and" and remove "between agencies and"

Page 1, line 3, remove "institutions; and to declare an emergency"

Page 3, line 28, replace "(\$448,535)" with "(\$486,633)"

Page 3, line 29, replace "27,401,520" with "(1,787,339)"

Page 4, line 1, replace "\$23,691,491" with "(\$5,535,466)"

Page 4, line 2, replace "14,244,468" with "(11,288,586)"

Page 4, line 3, replace "9,447,023" with "5,753,120"

Page 4, line 6, replace "1,000,559" with "699,801"

Page 4, line 7, replace "851,164" with "(109,195)"

Page 4, line 9, replace "45,368,268" with "44,572,418"

Page 4, line 10, replace "79,097,595" with "71,360,100"

Page 4, line 11, replace "126,311,778" with "116,517,316"

Page 4, line 12, replace "68,635,940" with "63,463,933"

Page 4, line 13, replace "57,675,838" with "53,053,383"

Page 4, line 18, replace "104,077" with "43,292"

Page 4, line 19, replace "45,570" with "39,123"

Page 4, line 20, replace "58,507" with "4,169"

Page 4, line 22, replace "868,348" with "713,327"

Page 4, line 23, replace "546,522" with "533,839"

Page 4, line 24, replace "321,826" with "179,488"

Page 4, line 26, replace "775,447" with "680,656"

Page 4, line 27, replace "438,908" with "431,083"

Page 4, line 28, replace "336,539" with "249,573"

Page 5, line 1, replace "1,254,959" with "1,055,769"

Page 5, line 2, replace "766,790" with "745,840"

Page 5, line 3, replace "488,169" with "309,929"

Page 5, line 5, replace "3,097,704" with "2,801,880"

Page 5, line 6, replace "2,458,495" with "2,430,373"

Page 5, line 7, replace "639,209" with "371,507"

Page 5, line 9, replace "880,017" with "780,171"

Page 5, line 10, replace "590,489" with "578,413"

Page 5, line 11, replace "289,528" with "201,758"

Page 5, line 13, replace "1,115,775" with "920,924"

Page 5, line 14, replace "553,568" with "537,278"

Page 5, line 15, replace "562,207" with "383,646"

Page 5, line 17, replace "464,164" with "383,660"

Page 5, line 18, replace "260,454" with "250,774"

Page 5, line 19, replace "203,710" with "132,886"

Page 5, line 21, replace "383,417" with "230,001"

Page 5, line 22, replace "5,455,560" with "5,430,860"

Page 5, line 23, replace "5,838,977" with "5,660,861"

Page 5, line 24, replace "(794,489)" with "(728,482)"

Page 5, line 25, replace "6,633,466" with "6,389,343"

Page 5, line 27, replace "2,285,320" with "1,463,546"

Page 5, line 28, replace "(599,876)" with "(1,124,148)"

Page 5, line 29, replace "2,885,196" with "2,587,694"

Page 5, line 30, replace "16,434,788" with "14,254,086"

Page 5, line 31, replace "4,266,431" with "3,694,093"

Page 6, line 1, replace "12,168,357" with "10,559,993"

Page 6, line 2, replace "79,291,218" with "69,366,496"

Page 6, line 3, replace "87,146,839" with "55,869,440"

Page 6, line 4, replace "166,438,057" with "125,235,936"

Page 6, line 12, replace "ADMINISTRATION - SUPPORT" with "MANAGEMENT"

Page 6, line 13, replace "10,567,750" with "10,529,652"

Page 6, line 14, replace "60,968,708" with "31,779,849"

Page 6, line 16, replace "71,539,214" with "42,312,257"

Page 6, line 17, replace "48,374,575" with "22,841,521"

Page 6, line 18, replace "23,164,639" with "19,470,736"

Page 6, line 20, replace "PROGRAM/POLICY MANAGEMENT" with "PROGRAM AND POLICY"

Page 6, line 21, replace "23,054,340" with "22,753,582"

Page 6, line 22, replace "38,232,573" with "37,272,214"

Page 6, line 24, replace "334,055,993" with "333,260,143"

Page 6, line 25, replace "1,000,774,769" with "993,037,274"

Page 6, line 26, replace "1,396,151,539" with "1,386,357,077"

Page 6, line 27, replace "1,027,728,022" with "1,022,556,015"

Page 6, line 28, replace "368,423,517" with "363,801,062"

Page 7, line 1, replace "7,379,756" with "7,318,971"

Page 7, line 2, replace "3,691,210" with "3,684,763"

Page 7, line 3, replace "3,688,546" with "3,634,208"

Page 7, line 5, replace "15,433,218" with "15,278,197"

Page 7, line 6, replace "7,270,196" with "7,257,513"

Page 7, line 7, replace "8,163,022" with "8,020,684"

Page 7, line 9, replace "9,196,380" with "9,101,589"

Page 7, line 10, replace "4,221,881" with "4,214,056"

Page 7, line 11, replace "4,974,499" with "4,887,533"

Page 7, line 13, replace "20,696,142" with "20,496,952"

Page 7, line 14, replace "12,211,610" with "12,190,660"

Page 7, line 15, replace "8,484,532" with "8,306,292"

Page 7, line 17, replace "23,822,246" with "23,526,422"

Page 7, line 18, replace "13,673,717" with "13,645,595"

Page 7, line 19, replace "10,148,529" with "9,880,827"

Page 7, line 21, replace "12,238,992" with "12,139,146"

Page 7, line 22, replace "6,322,357" with "6,310,281"

Page 7, line 23, replace "5,916,635" with "5,828,865"

Page 7, line 25, replace "18,700,619" with "18,505,768"

Page 7, line 26, replace "9,675,203" with "9,658,913"

Page 7, line 27, replace "9,025,416" with "8,846,855"

Page 7, line 29, replace "9,388,791" with "9,308,287"

Page 7, line 30, replace "4,819,177" with "4,809,497"

Page 7, line 31, replace "4,569,614" with "4,498,790"

Page 8, line 2, replace "42,272,978" with "42,119,562"

Page 8, line 3, replace "5,455,560" with "5,430,860"

Page 8, line 4, replace "47,728,538" with "47,550,422"

Page 8, line 5, replace "15,610,871" with "15,676,878"

Page 8, line 6, replace "32,117,667" with "31,873,544"

Page 8, line 8, replace "43,046,377" with "42,224,603"

Page 8, line 9, replace "31,349,952" with "30,825,680"

Page 8, line 10, replace "11,696,425" with "11,398,923"

Page 8, line 11, replace "207,631,059" with "205,450,357"

Page 8, line 12, replace "108,846,174" with "108,273,836"

Page 8, line 13, replace "98,784,885" with "97,176,521"

Page 8, line 14, replace "490,373,041" with "480,448,319"

Page 8, line 15, replace "1,184,948,771" with "1,153,671,372"

Page 8, line 16, replace "1,675,321,812" with "1,634,119,691"

Page 8, line 17, after "**MEDICAID**" insert "- **EMERGENCY COMMISSION AND BUDGET SECTION APPROVAL**" and replace "The" with "Subject to emergency commission and budget section approval, the"

Page 8, line 21, replace "The department of human services" with:

**"SECTION 5. MEDICAID ELIGIBILITY REVIEWS - CONTINGENT FUNDING.**

The appropriation in subdivision 2 of section 3 of this Act includes \$615,000 from the general fund and \$615,000 of federal funds for payment error rate measurement eligibility reviews for the medical assistance program. If the department of human services is not required by the federal government to conduct these reviews, the department may not spend these funds for the biennium beginning July 1, 2005, and ending June 30, 2007.

**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 3 of this Act and between subdivisions within section 3 of this Act for the biennium beginning July 1, 2005, and ending June 30, 2007. 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, 2006, any transfers made in excess of \$50,000 and to the appropriations committees of the sixtieth legislative assembly regarding any transfers made pursuant to this section.

**SECTION 7. ESTIMATED INCOME - LIMIT - COMMUNITY HEALTH TRUST FUND.** The estimated income line item in subdivision 2 of section 3 of this Act includes \$114,755 from the community health trust fund. The department of human services expenditures from this fund may not exceed this amount for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 8. COMPULSIVE GAMBLING PREVENTION AND TREATMENT FUND - TRANSFER TO THE GENERAL FUND.** On July 1, 2005, the director of the office of management and budget and the state treasurer shall transfer \$100,000 from the compulsive gambling prevention and treatment fund to the general fund.

**SECTION 9. LEGISLATIVE COUNCIL STUDY - LONG-TERM CARE.** During the 2005-06 interim, the legislative council shall consider studying, with input from representatives of the department of human services and the long-term care industry, methods of improving the sustainability of funding long-term care services in the state, including a review of case mix and rate equalization, consideration of additional support for facilities providing additional restorative care services, and consideration of options for reducing the number of required reports of facilities providing high-quality care or for seeking waivers to change the survey process."

Page 8, remove lines 22 through 31

Page 9, remove lines 1 through 12

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1012 - Summary of House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
DHS - Management			
Total all funds	\$71,539,214	(\$29,226,957)	\$42,312,257
Less estimated income	48,374,575	(25,533,054)	22,841,521
General fund	\$23,164,639	(\$3,693,903)	\$19,470,736
DHS - Program/Policy			
Total all funds	\$1,396,151,539	(\$9,794,462)	\$1,386,357,077
Less estimated income	1,027,728,022	(5,172,007)	1,022,556,015
General fund	\$368,423,517	(\$4,622,455)	\$363,801,062
DHS - State Hospital			
Total all funds	\$47,728,538	(\$178,116)	\$47,550,422
Less estimated income	15,610,871	66,007	15,676,878
General fund	\$32,117,667	(\$244,123)	\$31,873,544
DHS - Developmental Center			
Total all funds	\$43,046,377	(\$821,774)	\$42,224,603
Less estimated income	31,349,952	(524,272)	30,825,680
General fund	\$11,696,425	(\$297,502)	\$11,398,923
DHS - Northwest HSC			
Total all funds	\$7,379,756	(\$60,785)	\$7,318,971
Less estimated income	3,691,210	(6,447)	3,684,763
General fund	\$3,688,546	(\$54,338)	\$3,634,208
DHS - North Central HSC			
Total all funds	\$15,433,218	(\$155,021)	\$15,278,197
Less estimated income	7,270,196	(12,683)	7,257,513
General fund	\$8,163,022	(\$142,338)	\$8,020,684
DHS - Lake Region HSC			
Total all funds	\$9,196,380	(\$94,791)	\$9,101,589
Less estimated income	4,221,881	(7,825)	4,214,056
General fund	\$4,974,499	(\$86,966)	\$4,887,533
DHS - Northeast HSC			
Total all funds	\$20,696,142	(\$199,190)	\$20,496,952
Less estimated income	12,211,610	(20,950)	12,190,660
General fund	\$8,484,532	(\$178,240)	\$8,306,292
DHS - Southeast HSC			
Total all funds	\$23,822,246	(\$295,824)	\$23,526,422

Less estimated income	13,673,717	(28,122)	13,645,595
General fund	\$10,148,529	(\$267,702)	\$9,880,827
DHS - South Central HSC			
Total all funds	\$12,238,992	(\$99,846)	\$12,139,146
Less estimated income	6,322,357	(12,076)	6,310,281
General fund	\$5,916,635	(\$87,770)	\$5,828,865
DHS - West Central HSC			
Total all funds	\$18,700,619	(\$194,851)	\$18,505,768
Less estimated income	9,675,203	(16,290)	9,658,913
General fund	\$9,025,416	(\$178,561)	\$8,846,855
DHS - Badlands HSC			
Total all funds	\$9,388,791	(\$80,504)	\$9,308,287
Less estimated income	4,819,177	(9,680)	4,809,497
General fund	\$4,569,614	(\$70,824)	\$4,498,790
Bill Total			
Total all funds	\$1,675,321,812	(\$41,202,121)	\$1,634,119,691
Less estimated income	1,184,948,771	(31,277,399)	1,153,671,372
General fund	\$490,373,041	(\$9,924,722)	\$480,448,319

**House Bill No. 1012 - Department of Human Services - Management - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$10,567,750	(\$38,098)	\$10,529,652
Operating expenses	60,968,708	(29,188,859)	31,779,849
Capital assets	<u>2,756</u>		<u>2,756</u>
Total all funds	\$71,539,214	(\$29,226,957)	\$42,312,257
Less estimated income	<u>48,374,575</u>	<u>(25,533,054)</u>	<u>22,841,521</u>
General fund	\$23,164,639	(\$3,693,903)	\$19,470,736
FTE	99.10	0.00	99.10

**Dept. 326 - Department of Human Services - Management - Detail of House Changes**

	HOUSE CHANGES <sup>1</sup>	TOTAL HOUSE CHANGES			
Salaries and wages	(\$38,098)	(\$38,098)			
Operating expenses	(29,188,859)	(29,188,859)			
Capital assets					
Total all funds	(\$29,226,957)	(\$29,226,957)			
Less estimated income	<u>(25,533,054)</u>	<u>(25,533,054)</u>			
General fund	(\$3,693,903)	(\$3,693,903)			
FTE	0.00	0.00			
		FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> Management - House Changes:</b>					
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year			(\$26,083)	(\$12,015)	(\$38,098)
<b>Administration Support Program</b>					
None					
<b>Division of Information Technology Program</b>					
Removes funding for the Medicaid management information system (MMIS) computer system replacement project			(3,667,820)	(25,521,039)	(29,188,859)
<b>Total House Changes - Management</b>		0.00	(\$3,693,903)	(\$25,533,054)	(\$29,226,957)

**Other changes affecting management programs or multiple programs of the department:**

A section is added authorizing the department to transfer funds between line items and between subdivisions without Emergency Commission approval. The department is to report any transfers to the Office of Management and Budget and to the Appropriations Committees of the 2007 Legislative Assembly and any transfers over \$50,000 to the Budget Section after June 30, 2006.

Section 5 of the bill is removed which authorized the department to transfer appropriation authority and to transfer or add FTE positions to the State Hospital, Developmental Center, or human service centers.

Section 6 of the bill is removed which appropriated any additional federal funds received by the department for low-income home energy assistance and food stamp benefits in excess of the amounts appropriated by the Legislative Assembly for the 2005-07 biennium.

Section 7 of the bill is removed which provided an emergency clause for the Medicaid management information system computer system project.

### House Bill No. 1012 - Department of Human Services - Program/Policy - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Salaries and wages	\$23,054,340	(\$300,758)	\$22,753,582		
Operating expenses	38,232,573	(960,359)	37,272,214		
Capital assets	33,864		33,864		
Grants	334,055,993	(795,850)	333,260,143		
Grants - Medical assistance	<u>1,000,774,760</u>	<u>(7,737,495)</u>	<u>993,037,274</u>		
Total all funds	\$1,396,151,539	(\$9,794,462)	\$1,386,357,077		
Less estimated income	<u>1,027,728,022</u>	<u>(5,172,007)</u>	<u>1,022,556,015</u>		
General fund	\$368,423,517	(\$4,622,455)	\$363,801,062		
FTE	233.30	(1.00)	232.30		
		FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> Program/Policy - House Changes:</b>					
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year			(\$26,297)	(\$45,923)	(\$72,220)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover			(140,000)		(140,000)
Reduces operating expenses of all programs within this subdivision			(50,000)		(50,000)
<b>Economic Assistance Policy Program</b>					
Removes funding for outreach services of the food stamp program			(25,000)	(25,000)	(50,000)
<b>Child Support Program</b>					
Reduces the operating expenses line item to remove federal funds for cooperative agreements with a county or tribe for centralized administration of child support enforcement services				(822,970)	(822,970)
House Bill No. 1172 includes a continuing appropriation for these funds.					
Reduces general fund support for the Lake Region child support enforcement unit from \$215,016 to \$150,016			(65,000)		(65,000)
<b>Medical Services Program</b>					
Removes the pharmacy assistant position added in the executive budget	(1.00)	(22,135)	(66,403)		(88,538)
Removes funding for the Global Insight contract due to changes in determining inflationary rates for nursing homes as provided in House Bill No. 1252		(5,920)	(5,919)		(11,839)
Removes funding for the department to contract for generic prescription drug detailing services		(237,775)	(237,775)		(475,550)
Adds funding for operating expenses associated with provisions of House Bill No. 1459 relating to management of the medical assistance program		282,500	282,500		565,000
Reduces medical assistance grants to reflect savings as a result of provisions of House Bill No. 1459 relating to management of the medical assistance program		(537,030)	(992,970)		(1,530,000)
Reduces medical assistance grants to reflect provisions of House Bill No. 1181 which allow a Medicaid recipient to set aside up to \$5,000 for funeral expenses rather than \$3,000 under current law and \$5,500 as recommended by the Governor		(91,405)	(161,095)		(252,500)
Adds funding for medical assistance grants to adjust the anticipated funding needed for medical assistance services		1,050,000	1,941,453		2,991,453
Adds funding for increasing ambulance services payment rates with 50 percent of the funds to be used for increasing air ambulance rates and 50 percent for ground ambulance rates		60,000	110,940		170,940
Reduces funding from the community health trust fund for breast and cervical cancer treatment services to the 2003-05 appropriation level. A			(139,601)		(139,601)



section is added to the bill limiting the department's expenditures from this special fund during the 2005-07 biennium.

#### Long-Term Care Program

Reflects the department's reprojections of anticipated funding needed for home and community-based services programs	(1,987,684)	5,724	(1,981,960)
Reduces funding for nursing facilities to reflect provisions of House Bill No. 1252 which base nursing home payment rates on inflationary rates as determined by the Legislative Assembly. The inflationary rates being used for nursing home rates for the 2005-07 biennium are 2 percent for each year of the biennium.	(1,755,456)	(3,164,516)	(4,919,972)
Reduces funding for nursing facilities to reflect a reduction in the estimated average number of nursing facility beds needed for Medicaid recipients from 3,631 to 3,600	(1,025,765)	(1,893,498)	(2,919,263)
Adds funding for basic care facilities to reflect provisions of House Bill No. 1252 which base basic care payment rates on inflationary rates as determined by the Legislative Assembly. The inflationary rates being used for basic care rates for the 2005-07 biennium are 2 percent for each year of the biennium.	162,051	73,408	235,459
Adds funding to increase the maximum amount of homemaker services an individual may receive from qualified service providers (QSP) under the service payments for the elderly and disabled (SPED) and expanded SPED programs from \$135 to \$185 per month	217,260	9,540	226,800

#### Aging Services Program

None

#### Children and Family Services Program

Reduces federal funding for family preservation services. The department may seek Emergency Commission approval if additional federal funds become available for these services.		(750,000)	(750,000)
Adds funding for increasing the maximum treatment services payment for residential child care facilities by \$2.65 per day, from the current level of \$11.50 to \$14.15 per day. The funding level provided maintains each facility's service rate at its current rate for the 2005-07 biennium.	50,008	348,248	398,256
Reduces funding anticipated to be needed for foster care and subsidized adoption services	(250,000)	(344,106)	(594,106)

#### Mental Health and Substance Abuse Program

Removes funding from the general fund for compulsive gambling treatment services and provides \$400,000 from the compulsive gambling treatment fund for these services in accordance with provisions of House Bill No. 1259	(150,000)	400,000	250,000
Reduces operating expenses of this program	(50,000)		(50,000)

#### Developmental Disabilities Council

None

#### Disabilities Program

Adds funding for increasing the average wage for employees of developmental disabilities services providers by 10 cents per hour	575,193	1,045,557	1,620,750
Adds funding for increasing payment rates for facilities serving children with extensive medical needs	100,000	184,900	284,900
Reduces funding for the family subsidy program to \$810,056 from the general fund	(100,000)		(100,000)
Reduces funding for supported living/extended services to \$200,000 from the general fund	(100,000)		(100,000)
Reduces funding anticipated to be needed for developmental disabilities grants	(500,000)	(924,501)	(1,424,501)
<b>Total House Changes - Program/Policy</b>	(1.00)	(\$4,622,455)	(\$5,172,007)

#### Other changes affecting Program/Policy programs:

A section is added providing that if the federal government does not require states to conduct payment error rate measurement eligibility reviews, the department not spend the \$1,230,000, of which \$615,000 is from the general fund, included in its appropriation.

Section 4 of the bill is amended to require Emergency Commission and Budget Section approval before the department may hire FTE positions to assist with the payment error rate measurement eligibility reviews.

A section is added directing the Office of Management and Budget to transfer \$100,000 from the compulsive gambling prevention and treatment fund to the general fund on July 1, 2005.

A section is added providing for a Legislative Council long-term care study.

#### House Bill No. 1012 - Department of Human Services - State Hospital - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Traditional	\$42,272,978	(\$153,416)	\$42,119,562		
Secure	<u>5,455,560</u>	<u>(24,700)</u>	<u>5,430,860</u>		
Total all funds	\$47,728,538	(\$178,116)	\$47,550,422		
Less estimated income	<u>15,610,871</u>	<u>66,007</u>	<u>15,676,878</u>		
General fund	\$32,117,667	(\$244,123)	\$31,873,544		
FTE	424.01	0.00	424.01		
		FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> State Hospital - House Changes:</b>					
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year			(\$144,123)	(\$33,993)	(\$178,116)
Replaces funding from the general fund with special funds in anticipation of general fund savings and additional third-party collections			(100,000)	100,000	
<b>Total House Changes - State Hospital</b>		0.00	(\$244,123)	\$66,007	(\$178,116)

#### House Bill No. 1012 - Department of Human Services - Developmental Center - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Human service centers/institutions	\$43,046,377	(\$821,774)	\$42,224,603		
Total all funds	\$43,046,377	(\$821,774)	\$42,224,603		
Less estimated income	<u>31,349,952</u>	<u>(524,272)</u>	<u>30,825,680</u>		
General fund	\$11,696,425	(\$297,502)	\$11,398,923		
FTE	451.54	0.00	451.54		
		FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> Developmental Center - House Changes:</b>					
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year			(\$47,502)	(\$62,021)	(\$109,523)
Reduces funding for operating costs of the Developmental Center			(250,000)	(462,251)	(712,251)
<b>Total House Changes - Developmental Center</b>		0.00	(\$297,502)	(\$524,272)	(\$821,774)

#### House Bill No. 1012 - Human Service Centers - General Fund Summary

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$3,688,546	(\$54,338)	\$3,634,208
DHS - North Central HSC	8,163,022	(142,338)	8,020,684
DHS - Lake Region HSC	4,974,499	(86,966)	4,887,533
DHS - Northeast HSC	8,484,532	(178,240)	8,306,292
DHS - Southeast HSC	10,148,529	(267,702)	9,880,827
DHS - South Central HSC	5,916,635	(87,770)	5,828,865
DHS - West Central HSC	9,025,416	(178,561)	8,846,855
DHS - Badlands HSC	<u>4,569,614</u>	<u>(70,824)</u>	<u>4,498,790</u>
Total general fund	\$54,970,793	(\$1,066,739)	\$53,904,054

**House Bill No. 1012 - Human Service Centers - Other Funds Summary**

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$3,691,210	(\$6,447)	\$3,684,763
DHS - North Central HSC	7,270,196	(12,683)	7,257,513
DHS - Lake Region HSC	4,221,881	(7,825)	4,214,056
DHS - Northeast HSC	12,211,610	(20,950)	12,190,660
DHS - Southeast HSC	13,673,717	(28,122)	13,645,595
DHS - South Central HSC	6,322,357	(12,076)	6,310,281
DHS - West Central HSC	9,675,203	(16,290)	9,658,913
DHS - Badlands HSC	<u>4,819,177</u>	<u>(9,680)</u>	<u>4,809,497</u>
Total other funds	\$61,885,351	(\$114,073)	\$61,771,278

**House Bill No. 1012 - Human Service Centers - All Funds Summary**

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$7,379,756	(\$60,785)	\$7,318,971
DHS - North Central HSC	15,433,218	(155,021)	15,278,197
DHS - Lake Region HSC	9,196,380	(94,791)	9,101,589
DHS - Northeast HSC	20,696,142	(199,190)	20,496,952
DHS - Southeast HSC	23,822,246	(295,824)	23,526,422
DHS - South Central HSC	12,238,992	(99,846)	12,139,146
DHS - West Central HSC	18,700,619	(194,851)	18,505,768
DHS - Badlands HSC	<u>9,388,791</u>	<u>(80,504)</u>	<u>9,308,287</u>
Total all funds	\$116,856,144	(\$1,180,812)	\$115,675,332
FTE	840.48	0.00	840.48

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup> Human Service Center Changes:</b>				
<b>Northwest Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$13,719)	(\$6,447)	(\$20,166)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(20,000)		(20,000)
Reduces funding for operating costs of the human service center		(20,619)		(20,619)
<b>Total House Changes - Northwest Human Service Center</b>	0.00	(\$54,338)	(\$6,447)	(\$60,785)
<b>North Central Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$31,652)	(\$12,683)	(\$44,335)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(57,120)		(57,120)
Reduces funding for operating costs of the human service center		(53,566)		(53,566)
<b>Total House Changes - North Central Human Service Center</b>	0.00	(\$142,338)	(\$12,683)	(\$155,021)
<b>Lake Region Human Service Center - House Changes:</b>				
Reduces compensation adjustments 3 percent for the first year and 4 percent for the second year		(\$17,745)	(\$7,825)	(\$25,570)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(38,052)		(38,052)
Reduces funding for operating costs of the human service center		(31,169)		(31,169)
<b>Total House Changes - Lake Region Human Service Center</b>	0.00	(\$86,966)	(\$7,825)	(\$94,791)
<b>Northeast Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$27,919)	(\$20,950)	(\$48,869)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(97,692)		(97,692)
Reduces funding for operating costs of the human service center		(52,629)		(52,629)
<b>Total House Changes - Northeast Human Service Center</b>	0.00	(\$178,240)	(\$20,950)	(\$199,190)
<b>Southeast Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$43,102)	(\$28,122)	(\$71,224)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(137,046)		(137,046)
Reduces funding for operating costs of the human service center		(87,554)		(87,554)

<b>Total House Changes - Southeast Human Service Center</b>	0.00	(\$267,702)	(\$28,122)	(\$295,824)
<b>South Central Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$21,647)	(\$12,076)	(\$33,723)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(20,000)		(20,000)
Reduces funding for operating costs of the human service center		(46,123)		(46,123)
<b>Total House Changes - South Central Human Service Center</b>	0.00	(\$87,770)	(\$12,076)	(\$99,846)
<b>West Central Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$32,866)	(\$16,290)	(\$49,156)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(69,804)		(69,804)
Reduces funding for operating costs of the human service center		(75,891)		(75,891)
<b>Total House Changes - West Central Human Service Center</b>	0.00	(\$178,561)	(\$16,290)	(\$194,851)
<b>Badlands Human Service Center - House Changes:</b>				
Reduces compensation adjustments to 3 percent for the first year and 4 percent for the second year		(\$18,089)	(\$9,680)	(\$27,769)
Reduces salaries and wages funding in anticipation of savings from vacant positions and employee turnover		(20,286)		(20,286)
Reduces funding for operating costs of the human service center		(32,449)		(32,449)
<b>Total House Changes - Badlands Human Service Center</b>	0.00	(\$70,824)	(\$9,680)	(\$80,504)

Total amounts for selected reductions reflected in this amendment include:

1. The 3 percent and 4 percent compensation package is \$718,769, of which \$450,744 is from the general fund.
2. Anticipation of savings from vacant positions and employee turnover is \$600,000 from the general fund.
3. Human service center operating cost reductions is \$400,000 from the general fund.

## SEVENTH ORDER OF BUSINESS

### MOTION

**REP. BOUCHER MOVED** that the report of the Minority be substituted for the report of the Majority on HB 1012.

### REQUEST

**REP. DELZER REQUESTED** a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on HB 1012, 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 HB 1012, the roll was called and there were 27 YEAS, 60 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Guleson; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Headland; Herbel; Horter; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas; Ruby

The motion that the report of the Minority be substituted for the report of the Majority on HB 1012 failed, therefore, the report of the Majority was adopted.

**MOTION**

**REP. BERG MOVED** that they move HB 1012 to the top of the Eleventh Order, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide and exception; to provide for a legislative council study; to provide for a transfer to the general fund; and to provide for the transfer of appropriation authority.

**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 62 YEAS, 25 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovda; Froseth; Galvin; Glassheim; Grande; Haas; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Gulleon; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Charging; Hanson; Hawken; Maragos; Nicholas; Ruby

HB 1012, as amended, passed and the title was agreed to.

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**MOTION**

**REP. BERG MOVED** to suspend the rules and order immediate transmittal of the bills to the Senate, which motion prevailed.

**ANNOUNCEMENT**

Monday, January 17, 2005, was Martin Luther King Day and Monday, February 21, 2005, will be George Washington's Birthday, both official state holidays. Both days are paid holidays for most state employees. Legislative Assembly employees were required to work on Martin Luther King Day. The Legislative Assembly will be in recess on Monday and Tuesday, February 21-22, 2005. Legislative Assembly employees will be paid for those two days.

Employees of the House have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees will be paid for Friday, February 18, 2005, even though the House will be in recess on that day.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3005, HCR 3019, HCR 3024, HCR 3027, HCR 3032, HCR 3043, HCR 3045.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1005, HB 1006, HB 1007, HB 1050, HB 1069, HB 1169, HB 1220, HB 1224, HB 1231, HB 1252, HB 1260, HB 1271, HB 1272, HB 1276, HB 1278, HB 1291, HB 1312, HB 1332, HB 1344, HB 1354, HB 1408, HB 1410, HB 1414, HB 1417, HB 1439, HB 1448, HB 1458, HB 1460, HB 1463, HB 1464, HB 1478, HB 1489, HB 1492, HB 1494, HB 1501, HB 1507, HB 1509, HB 1512, HB 1517, HB 1522.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1001, HB 1009, HB 1010, HB 1011, HB 1012, HB 1013, HB 1014, HB 1015, HB 1016, HB 1017, HB 1019, HB 1021, HB 1022, HB 1023, HB 1035, HB 1154, HB 1334, HB 1394, HB 1437.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1002, HB 1003, HB 1008, HB 1018, HB 1020, HB 1153, HB 1259, HB 1279, HB 1459, HB 1465, HB 1467, HB 1473.

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

**MR. PRESIDENT:** The House has passed, the emergency clause failed, and your favorable consideration is requested on: HB 1518.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, February 23, 2005, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2185: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2185 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2079, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2079 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "technicians" with "services personnel"

Page 1, line 23, replace "technician" with "services personnel" and overstrike "Should" and insert immediately thereafter "If"

Page 1, line 24, after the first underscored comma insert "an", replace "technician" with "services personnel as defined under section 23-27-04.3", after "or" insert "a", and overstrike "die" and insert immediately thereafter "dies"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2029, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2029 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2030, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2030 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2034: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2034 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2035: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2035 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2045: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2045 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2068: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2068 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2070: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2070 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2076: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2076 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2081: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2080: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2080 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2083, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2083 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2084: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2084 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2103: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2103 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2104: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2104 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2105: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2105 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2123: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2123 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2131: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2131 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2135: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2135 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2148, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2148 was placed on the Fourteenth order on the calendar.

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

**Bradley C. Fay, Chief Clerk**

