

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, March 29, 2007

The Senate convened at 9:00 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor Donna Dohrmann, Lutheran Church of the Cross, Bismarck.

The roll was called and all members were present except Senator Tallackson.

A quorum was declared by the President.

## REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural Committee on Committees (Sen. Stenehjem, Chairman) respectfully submits the following names for your Select Committee to approve the nominees to the North Dakota Gaming Commission: Sens. Klein, Lyson, Bowman, Anderson, and Potter.

**SEN. STENEHJEM MOVED** that the report be adopted, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural Committee on Committees (Sen. Stenehjem, Chairman) respectfully submits the following names for your Select Committee to approve the nominees to the North Dakota State Board of Higher Education: Sens. Freborg, Christmann, G. Lee, Triplett, and Heitkamp.

**SEN. STENEHJEM MOVED** that the report be adopted, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2062 be placed at the bottom of the Twelfth order, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2093 be placed in the third position on the Twelfth order, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. CHRISTMANN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1348, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1348:** Sens. Cook, Tollefson, Anderson

## CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NOTHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2037 as printed on SJ page 983 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2037: Sens. Nothing, Lyson, Marcellais.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2352 as printed on SJ pages 1043-1044 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2352: Sens. Dever, Erbele, Heckaman.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2093 as printed on SJ pages 1039-1041 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2093: Sens. J. Lee, Dever, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2066 as printed on SJ page 667, which motion prevailed on a voice vote.

Engrossed SB 2066, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2066:** A BILL for an Act to amend and reenact sections 25-03.2-03.1 and 50-11-02.3 of the North Dakota Century Code, relating to the moratorium on expansion of residential treatment center for children bed capacity and the moratorium on residential child care facility or group home bed capacity.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2066 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2134 as printed on SJ page 797, which motion prevailed on a voice vote.

Engrossed SB 2134, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2134:** A BILL for an Act to create and enact chapter 19-03.5 of the North Dakota Century Code, relating to a prescription drug monitoring program for controlled substances; to repeal section 50-06-27 of the North Dakota Century Code, relating to a prescription drug monitoring program; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2134 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2210 as printed on SJ page 638, which motion prevailed on a voice vote.

Engrossed SB 2210, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2210:** A BILL for an Act to create and enact a new section to chapter 13-01 of the North Dakota Century Code, relating to the amount of late payment charges and finance charges on medical bills; and to amend and reenact sections 13-01-14 and 13-01-15 of the North Dakota Century Code, relating to the amount of late payment charges on medical bills.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2210 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. G. LEE MOVED** that the Senate do concur in the House amendments to SB 2329 as printed on SJ page 852, which motion prevailed on a voice vote.

SB 2329, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2329:** A BILL for an Act to amend and reenact subsection 3 of section 5-01-08 of the North Dakota Century Code, relating to the sentence for the person under twenty-one years of age using alcoholic beverages.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Bowman; Cook; Dever; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Heitkamp; Horne; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Marcellais; Mathern; Nelson; Nething; Pomeroy; Robinson; Seymour; Taylor; Wardner; Warner

**NAYS:** Anderson; Behm; Christmann; Erbele; Fischer; Hacker; Holmberg; Kilzer; Lee, J.; Lyson; O'Connell; Oehlke; Olafson; Potter; Stenehjem; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2329 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2363 as printed on SJ page 898, which motion prevailed on a voice vote.

Reengrossed SB 2363, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2363:** A BILL for an Act to amend and reenact section 57-38-01.21 of the North Dakota Century Code, relating to an individual or corporate income tax credit for planned gifts to nonprofit organizations and contributions to qualified endowments held by nonprofit organizations; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Bowman; Christmann; Stenehjem

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2363 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2402 as printed on SJ page 832, which motion prevailed on a voice vote.

Engrossed SB 2402, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2402:** A BILL for an Act to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to extension of the committee on tribal and state relations; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Cook; Dever; Erbele; Fiebiger; Flakoll; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Bowman; Christmann; Fischer; Freborg; Grindberg; Lee, G.; Nething; Stenehjem; Tollefson

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2402 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2077 as printed on SJ page 907, which motion prevailed on a voice vote.

SB 2077, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2077:** A BILL for an Act to amend and reenact subsection 1 of section 54-17.7-08 as created by House Bill No. 1128, section 64-02-02, and subsection 1 of section 64-02-07 of the North Dakota Century Code, relating to the applicability of pipeline safety jurisdiction to the pipeline authority, the installation of weighing or measuring devices, and the maintenance of state weights and measures standards.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2077 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2081 as printed on SJ pages 728-729, which motion prevailed on a voice vote.

Engrossed SB 2081, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2081:** A BILL for an Act to amend and reenact sections 57-38.6-01, 57-38.6-02, and 57-38.6-03 of the North Dakota Century Code, relating to definitions and to the certification of a qualified business and calculation of the agricultural business investment tax credit; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2081 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. Anderson replace Sen. Warner on the Conference committee on SB 2392, which motion prevailed.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2349.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2025, SB 2029, SB 2036, SB 2040, SB 2045, SB 2047, SB 2053, SB 2071, SB 2074, SB 2076, SB 2096, SB 2108, SB 2115, SB 2128, SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2179, SB 2193, SB 2194, SB 2195, SB 2196, SB 2214, SB 2234, SB 2241, SB 2252, SB 2255, SB 2266, SB 2299, SB 2319.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2066, SB 2077, SB 2081, SB 2134, SB 2210, SB 2329, and SB 2363.

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

**MR. SPEAKER:** The President has appointed Sen. Anderson to replace Sen. Warner on the Conference Committee on SB 2392.

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

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

**HB 1348:** Sens. Cook; Tollefson; Anderson

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

**MR. SPEAKER:** The President has appointed Sen. Anderson to replace Sen. Warner on the Conference Committee on SB 2392.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2012, SB 2152, SB 2205.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012**

Page 1, line 3, remove the first "a" and replace "study" with "studies"

Page 1, line 4, replace "and" with a comma and after "23-39" insert ", and a new section to chapter 50-24.1"

Page 1, line 5, after "needs" insert "and chiropractic medicaid payments"

Page 1, line 6, remove "and" and after the fourth comma insert "and 50-06-24,"

Page 1, line 11, replace "qualified service providers" with "guardianship services" and after the semicolon insert "and"

Page 1, line 12, remove "; and to provide an"

Page 1, line 13, remove "effective date"

Page 3, line 7, replace "1,015,145" with "685,145"

Page 3, line 8, replace "(28,594,686)" with "(29,594,686)"

Page 3, line 10, replace "(\$27,582,012)" with "(\$28,912,012)"

Page 3, line 11, replace "(29,068,576)" with "(29,644,776)"

Page 3, line 12, replace "1,486,564" with "732,764"

Page 3, line 15, replace "2,856,130" with "2,186,130"

Page 3, line 16, replace "26,576,252" with "26,733,605"

Page 3, line 18, replace "8,938,273" with "9,126,490"

Page 3, line 19, replace "132,453,022" with "97,909,956"

Page 3, line 20, replace "170,790,212" with "135,922,716"

Page 3, line 21, replace "92,129,556" with "70,969,062"

Page 3, line 22, replace "78,660,656" with "64,953,654"

Page 3, line 25, replace "193,654" with "159,389"

Page 3, line 26, replace "1,540,622" with "1,474,993"

Page 3, line 27, replace "739,666" with "701,660"

Page 3, line 28, replace "1,647,335" with "1,561,596"

Page 3, line 29, replace "2,441,031" with "2,354,672"

Page 3, line 30, replace "2,584,618" with "2,521,026"

Page 3, line 31, replace "2,226,472" with "2,142,400"

Page 4, line 1, replace "621,652" with "573,546"

Page 4, line 2, replace "17,209,433" with "16,775,675"

Page 4, line 3, replace "6,031,330" with "5,331,330"

Page 4, line 4, replace "35,235,813" with "33,596,287"

Page 4, line 5, replace "4,462,288" with "4,491,902"

Page 4, line 6, replace "30,773,525" with "29,104,385"

Page 4, line 7, replace "110,920,745" with "94,790,803"

Page 4, line 8, replace "67,523,268" with "45,816,188"

Page 4, line 9, replace "178,444,013" with "140,606,991"

Page 4, line 18, replace "11,723,883" with "11,393,883"

Page 4, line 19, replace "32,374,022" with "31,374,022"

Page 4, line 21, replace "44,098,190" with "42,768,190"

Page 4, line 22, replace "23,085,165" with "22,508,965"

Page 4, line 23, replace "21,013,025" with "20,259,225"

Page 4, line 26, replace "25,668,611" with "24,998,611"

Page 4, line 27, replace "66,356,937" with "66,514,290"

Page 4, line 29, replace "341,776,723" with "341,964,940"

Page 4, line 30, replace "1,138,809,360" with "1,104,266,294"

Page 4, line 31, replace "1,572,612,030" with "1,537,744,534"

Page 5, line 1, replace "1,127,268,003" with "1,106,107,509"

Page 5, line 2, replace "445,344,027" with "431,637,025"

Page 5, line 5, replace "7,545,956" with "7,511,691"

Page 5, line 6, replace "16,888,313" with "16,822,684"

Page 5, line 7, replace "9,883,098" with "9,845,092"

Page 5, line 8, replace "22,230,466" with "22,144,727"

Page 5, line 9, replace "26,206,795" with "26,120,436"

Page 5, line 10, replace "14,781,265" with "14,717,673"

Page 5, line 11, replace "20,813,941" with "20,729,869"

Page 5, line 12, replace "9,863,050" with "9,814,944"

Page 5, line 13, replace "65,126,604" with "64,692,846"

Page 5, line 14, replace "48,456,612" with "47,756,612"

Page 5, line 15, replace "241,796,100" with "240,156,574"

Page 5, line 16, replace "112,810,933" with "112,840,547"

Page 5, line 17, replace "128,985,167" with "127,316,027"

Page 5, line 18, replace "595,342,219" with "579,212,277"

Page 5, line 19, replace "1,263,164,101" with "1,241,457,021"

Page 5, line 20, replace "1,858,506,320" with "1,820,669,298"

Page 5, line 25, remove "As determined necessary by the director of the department of human"

Page 5, remove lines 26 and 27

Page 5, line 28, remove "section 3 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 6, replace lines 3 through 15 with:

**"SECTION 5. LEGISLATIVE COUNCIL STUDY - CONTINUOUS MEDICAID ELIGIBILITY FOR CHILDREN.** The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of allowing annual rather than monthly eligibility reviews for children under nineteen years of age who are either categorically or optionally categorically needy under the medical assistance program.

The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 6. DEPARTMENT OF HUMAN SERVICES STUDY - REBASING MEDICAL SERVICES PAYMENT RATES - REPORT TO LEGISLATIVE ASSEMBLY.**

The department of human services shall determine, during the 2007-08 interim and with the assistance of a health care consultant, the estimated cost of rebasing payment rates under the medical assistance program for hospital, physician, ambulance, and chiropractic services to the actual cost of providing these services for use in preparing the department's budget request for the 2009-11 biennium. The base year used in developing the cost estimate must be the most recent calendar year for which complete financial information is available to the department. The department shall report its findings and recommendations to the appropriations committees of the sixty-first legislative assembly. The department's recommendations may include options for staggered implementation or earlier implementation date preferences for service providers that have medical assistance service revenue that is ten percent or more of its total patient revenue. Any funds appropriated by the sixtieth legislative assembly to the department for providing the information required by this section may not be spent for other purposes during the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 7. LEGISLATIVE COUNCIL STUDY - NURSING HOME RATE EQUALIZATION.**

The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of continuing the equalization of nursing home payment rates and the feasibility and desirability of establishing a provider tax or assessment on nursing homes. The study must include input from representatives of the department of human services, other appropriate state agencies, and the nursing home industry. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 8. LEGISLATIVE COUNCIL STUDY - INFANT DEVELOPMENT PROGRAM.**

The legislative council shall consider studying, during the 2007-08 interim, infant development programs. The study, if conducted, must include a review of the state's lead agency agreement, service coordination, staffing, and funding structure, including the adequacy of the funding and the equitable distribution of the funds to providers. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 9. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES SERVICE PROVIDERS FUNDING INCREASES - EMPLOYEE SALARY INCREASE PRIORITY.**

It is the intent of the sixtieth legislative assembly that developmental disabilities service providers give priority to using the increased funding being provided for the 2007-09 biennium for increasing employees' salaries.

**SECTION 10. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.**

The total general fund appropriation line item in subdivision 3 of section 3 of this Act includes \$8,244,131 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The department of human services shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

State hospital	
Sex offender treatment addition	\$3,100,000
Capital improvements	3,062,757
Extraordinary repairs	1,153,500
Developmental center	
Capital improvements	300,000
Extraordinary repairs	547,092
Equipment	80,782
Total	\$8,244,131"

Page 6, line 19, after "under" insert "the department's existing" and replace "with the Robinson recovery center" with "for methamphetamine treatment services"

Page 6, line 22, replace "\$170,500" with "\$1,144,080"



Page 6, remove lines 30 and 31

Page 7, remove lines 1 through 4

Page 11, remove lines 5 through 12

Page 13, replace lines 16 through 31 with:

**"SECTION 20. AMENDMENT.** Section 50-06-24 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-24. Guardianship services.** The department of human services may create and coordinate a unified system for the provision of guardianship services to vulnerable adults who are ineligible for developmental disabilities case management services. The system must include a base unit funding level at the same level as developmental disability corporate guardianship rates, provider standards, staff competency requirements, ~~the use of an emergency funding procedure to cover the costs of establishing needed guardianships~~, and guidelines and training for guardians. ~~The department shall require that the contracting entity develop and maintain a system of volunteer guardians to serve the state.~~ The department shall adopt rules for guardianship services to vulnerable adults which are consistent with chapters 30.1-26, 30.1-28, and 30.1-29.

**SECTION 21.** A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

**Chiropractic medical assistance payments.** The department of human services shall pay for covered chiropractic manipulation services at the rate of fifty percent of billed services. Payment for chiropractic manipulation services must be based on the fees submitted by chiropractors to the department of human services in 2006."

Page 14, remove lines 1 through 30

Page 16, remove lines 9 through 30

Page 17, remove lines 1 and 2

ReNUMBER accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

### Senate Bill No. 2012 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
DHS - Management				
Total all funds	\$44,098,190	\$44,098,190	(\$1,330,000)	\$42,768,190
Less estimated income	23,085,165	23,085,165	(576,200)	22,508,965
General fund	\$21,013,025	\$21,013,025	(\$753,800)	\$20,259,225
DHS - Program and Policy				
Total all funds	\$1,531,965,784	\$1,572,612,030	(\$34,867,496)	\$1,537,744,534
Less estimated income	1,103,015,555	1,127,268,003	(21,160,494)	1,106,107,509
General fund	\$428,950,229	\$445,344,027	(\$13,707,002)	\$431,637,025
DHS - State Hospital				
Total all funds	\$64,959,122	\$65,126,604	(\$433,758)	\$64,692,846
Less estimated income	15,888,310	15,888,310	(1,445)	15,886,865
General fund	\$49,070,812	\$49,238,294	(\$432,313)	\$48,805,981
DHS - Developmental Center				
Total all funds	\$48,456,612	\$48,456,612	(\$700,000)	\$47,756,612
Less estimated income	33,243,690	33,243,690		33,243,690
General fund	\$15,212,922	\$15,212,922	(\$700,000)	\$14,512,922
DHS - Northwest HSC				
Total all funds	\$7,525,581	\$7,545,956	(\$34,265)	\$7,511,691
Less estimated income	3,136,258	3,136,258		3,136,258
General fund	\$4,389,323	\$4,409,698	(\$34,265)	\$4,375,433
DHS - North Central HSC				
Total all funds	\$16,842,742	\$16,888,313	(\$65,629)	\$16,822,684
Less estimated income	7,917,967	7,917,967		7,917,967
General fund	\$8,924,775	\$8,970,346	(\$65,629)	\$8,904,717
DHS - Lake Region HSC				
Total all funds	\$9,853,344	\$9,883,098	(\$38,006)	\$9,845,092
Less estimated income	4,417,334	4,417,334		4,417,334
General fund	\$5,436,010	\$5,465,764	(\$38,006)	\$5,427,758
DHS - Northeast HSC				

Total all funds	\$22,192,605	\$22,230,466	(\$85,739)	\$22,144,727
Less estimated income	<u>12,256,322</u>	<u>12,260,487</u>	<u>4,165</u>	<u>12,264,652</u>
General fund	\$9,936,283	\$9,969,979	(\$89,904)	\$9,880,075
DHS - Southeast HSC				
Total all funds	\$26,145,474	\$26,206,795	(\$86,359)	\$26,120,436
Less estimated income	<u>14,296,599</u>	<u>14,296,599</u>		<u>14,296,599</u>
General fund	\$11,848,875	\$11,910,196	(\$86,359)	\$11,823,837
DHS - South Central HSC				
Total all funds	\$14,741,738	\$14,781,265	(\$63,592)	\$14,717,673
Less estimated income	<u>6,450,546</u>	<u>6,460,823</u>	<u>10,277</u>	<u>6,471,100</u>
General fund	\$8,291,192	\$8,320,442	(\$73,869)	\$8,246,573
DHS - West Central HSC				
Total all funds	\$20,768,172	\$20,813,941	(\$84,072)	\$20,729,869
Less estimated income	<u>10,327,232</u>	<u>10,343,709</u>	<u>16,476</u>	<u>10,360,185</u>
General fund	\$10,440,940	\$10,470,232	(\$100,548)	\$10,369,684
DHS - Badlands HSC				
Total all funds	\$9,848,996	\$9,863,050	(\$48,106)	\$9,814,944
Less estimated income	<u>4,845,616</u>	<u>4,845,756</u>	<u>141</u>	<u>4,845,897</u>
General fund	\$5,003,380	\$5,017,294	(\$48,247)	\$4,969,047
Bill Total				
Total all funds	\$1,817,398,360	\$1,858,506,320	(\$37,837,022)	\$1,820,669,298
Less estimated income	<u>1,238,880,594</u>	<u>1,263,164,101</u>	<u>(21,707,080)</u>	<u>1,241,457,021</u>
General fund	\$578,517,766	\$595,342,219	(\$16,129,942)	\$579,212,277

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Salaries and wages	\$11,723,883	\$11,723,883	(\$330,000)	\$11,393,883		
Operating expenses	32,374,022	32,374,022	(1,000,000)	31,374,022		
Capital assets	<u>285</u>	<u>285</u>		<u>285</u>		
Total all funds	\$44,098,190	\$44,098,190	(\$1,330,000)	\$42,768,190		
Less estimated income	<u>23,085,165</u>	<u>23,085,165</u>	<u>(576,200)</u>	<u>22,508,965</u>		
General fund	\$21,013,025	\$21,013,025	(\$753,800)	\$20,259,225		
FTE	102.10	102.10	0.00	102.10		
			FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<sup>1</sup> Management - House Changes: Reduces funding for salaries and wages in anticipation of savings resulting from vacant positions and employee turnover				(\$330,000)		(\$330,000)
Administration Support Program No changes						
Division of Information Technology Program Removes operating expenses funding added in the executive budget for developing a client information sharing computer system				(423,800)	(\$576,200)	(1,000,000)
Total House Changes - Management			0.00	(\$753,800)	(\$576,200)	(\$1,330,000)

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Salaries and wages	\$25,593,565	\$25,668,611	(\$670,000)	\$24,998,611		
Operating expenses	65,561,106	66,356,937	157,353	66,514,290		
Capital assets	399	399		399		
Grants	339,435,262	341,776,723	188,217	341,964,940		
Grants - Medical assistance	<u>1,101,375,452</u>	<u>1,138,809,360</u>	<u>(34,543,066)</u>	<u>1,104,266,294</u>		
Total all funds	\$1,531,965,784	\$1,572,612,030	(\$34,867,496)	\$1,537,744,534		
Less estimated income	<u>1,103,015,555</u>	<u>1,127,268,003</u>	<u>(21,160,494)</u>	<u>1,106,107,509</u>		
General fund	\$428,950,229	\$445,344,027	(\$13,707,002)	\$431,637,025		
FTE	230.30	231.30	0.00	231.30		
			FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<sup>1</sup> Program and Policy - House Changes: Reduces funding for salaries and wages in anticipation of savings resulting from vacant positions and employee turnover				(\$670,000)		(\$670,000)
Economic Assistance Policy Program No changes						
Child Support Program Removes operating expenses funding from the general fund for the Devils Lake Child Support Enforcement Unit due to provisions of Senate Bill No. 2205 providing for state administration of child support enforcement				(215,016)		(215,016)
Medical Services Program Adds funding to provide a 5 percent annual inflationary increase				1,460,523	\$2,984,708	4,445,231

for medical-related service providers. The Senate provided a 4 percent annual inflationary increase.

Removes funding for grants - Medical assistance added by the Senate for increasing medically needy income levels from 61 to 83 percent of poverty	(2,529,690)	(4,493,325)	(7,023,015)
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Removes funding for grants - Medical assistance added by the Senate to provide continuous Medicaid eligibility for children under 19 years of age who are either categorically or optionally categorically needy beginning January 2008. The section added by the Senate providing that the department monitor and report on these expenditures is also removed. A new section is added providing for a Legislative Council study of the feasibility and desirability of allowing continuous Medicaid eligibility for this population.	(2,281,110)	(4,051,789)	(6,332,899)
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Reduces funding for grants - Medical assistance to reflect an anticipated reduction in the cost and caseload/utilization of the following medical assistance services from the amounts included in the executive budget and Senate version:

Inpatient hospital	(1,000,000)	(1,776,236)	(2,776,236)
Drugs	(1,783,368)	(3,167,035)	(4,950,403)
Healthy Steps	(200,000)	(593,336)	(793,336)
Durable medical equipment	(166,269)	(295,177)	(461,446)

Reduces funding for grants - Medical assistance to remove 5 percent inflationary increases for dental payments under the Medicaid program	(313,738)	(557,414)	(871,152)
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Adds funding for grants - Medical assistance to increase Medicaid payment rates for in-state hospitals to the maximum base rate	1,394,469	2,476,904	3,871,373
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Adds funding for grants - Medical assistance to increase Medicaid payment rates for chiropractic services to 50 percent of fiscal year 2006 billed charges	31,845	56,564	88,409
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Adds funding for grants - Medical assistance to increase Medicaid payment rates for ambulance services	125,000	222,029	347,029
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Adds operating expenses funding and a section to the bill requiring the department to develop a method for rebasing hospital, physician, ambulance, and chiropractic services payment rates under the Medicaid program	175,000	175,000	350,000
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#### Long-Term Care Program

Adds funding to provide a 5 percent annual inflationary increase for long-term care service providers. The Senate provided a 4 percent annual inflationary increase. Of the total, \$1,144,080 is from the health care trust fund for the additional state matching funds relating to nursing homes.	2,250,639	6,362,624	8,613,263
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Adds funding for grants - Medical assistance to continue the same SPED eligibility criteria as the 2005-07 biennium	1,537,030	80,896	1,617,926
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Removes funding for grants - Medical assistance to continue the \$50 per month personal care allowance for residents of nursing homes and intermediate care facilities for persons with mental retardation. The Senate had provided a \$55 per month allowance.		(499,850)	(499,850)
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Reduces funding for grants - Medical assistance to reflect an anticipated reduction in the cost and caseload/utilization of nursing home, aged and disabled waiver, basic care, and personal care option services from the amounts included in the executive budget and Senate version	(6,185,000)	(10,986,015)	(17,171,015)
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Reduces funding for grants - Medical assistance to reflect an anticipated reduction in the cost and caseload/utilization of basic care services from the amounts included in the executive budget and Senate version	(216,537)	(145,565)	(362,102)
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Reduces funding for grants - Medical assistance to reflect an anticipated reduction in the cost and caseload/utilization of developmental disabilities services from the amounts included in the executive budget and Senate version	(3,575,000)	(6,350,042)	(9,925,042)
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Reduces funding added by the Senate from \$900,000 to \$200,000 from the general fund for the transition of selected Developmental Center residents to community programs	(700,000)	(1,243,365)	(1,943,365)
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Reduces funding added by the Senate from \$300,000 to \$200,000 from the general fund for increasing the payment rates for children who are severely medically fragile residing at the Anne Carlsen Center for Children	(100,000)	(177,624)	(277,624)
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Reduces funding added by the Senate from \$200,000 to \$150,000 from the general fund for increasing payment rates for facilities serving children with behavioral challenges	(50,000)	(88,812)	(138,812)
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#### Aging Services Program

No changes

#### Children and Family Services Program

Adds funding to provide a 5 percent annual inflationary increase for children and family service providers. The Senate provided a 4 percent annual inflationary increase.	284,489	561,958	846,447
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Reduces funding for grants to reflect an anticipated reduction in the cost and caseload/utilization of subsidized adoption services from the amounts included in the executive budget and Senate version	(300,000)	(426,392)	(726,392)
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Reduces grants funding added by the Senate to provide a total of \$200,000 from the general fund for Children's Advocacy Centers in Bismarck and Fargo. The executive budget recommended \$100,000 and the Senate provided a total of \$500,000.	(300,000)		(300,000)
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Adds funding from federal TANF block grant funds for grants to increase reimbursements for county child abuse and neglect assessments by \$100 per assessment		770,800	770,800
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#### Mental Health and Substance Abuse Program

Adds funding to provide a 5 percent annual inflationary increase for the department's contract service providers. The Senate provided a 4 percent annual inflationary increase.

5,225

5,225

**Developmental Disabilities Council**

Adds funding to provide a 5 percent annual inflationary increase for the department's contract service providers. The Senate provided a 4 percent annual inflationary increase.

14,506

14,506

**Disabilities Program**

Reduces funding added by the Senate to provide a total of \$350,000 from the general fund for the interagency program for assistive technology

(150,000)

(150,000)

Reduces funding added by the Senate for centers for independent living. The House version provides a total of \$1,381,457, of which \$546,040 is from the general fund. The executive budget recommended \$1,131,457, of which \$296,040 is from the general fund and the Senate provided \$1,631,457, of which \$796,040 is from the general fund.

(250,000)

(250,000)

**Total House Changes - Program and Policy**

0.00

(\$13,707,002)

(\$21,160,494)

(\$34,867,496)

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Traditional Secure Institutions	\$52,371,738 <u>12,587,384</u>	\$52,371,738 <u>12,587,384</u> <u>167,482</u>	<u>(\$433,758)</u>	\$52,371,738 <u>12,587,384</u> <u>(266,276)</u>		
Total all funds	\$64,959,122	\$65,126,604	(\$433,758)	\$64,692,846		
Less estimated income	<u>15,888,310</u>	<u>15,888,310</u>	<u>(1,445)</u>	<u>15,886,865</u>		
General fund	\$49,070,812	\$49,238,294	(\$432,313)	\$48,805,981		
FTE	465.01	466.51	(1.50)	465.01		
			FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup>State Hospital - House Changes:</b>						
Removes .5 of the 1.5 FTE positions added by the Senate for increasing security in the secure services unit			(0.50)	(\$63,285)		(\$63,285)
Removes funding for a vocational training position in the secure services unit added in the executive budget			(1.00)	(69,028)	(\$1,445)	(70,473)
Reduces funding for capital improvements from \$3,362,757 to \$3,062,757				(300,000)		(300,000)
<b>Total House Changes - State Hospital</b>			(1.50)	(\$432,313)	(\$1,445)	(\$433,758)

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION		
Human service centers/institutions	\$48,456,612	\$48,456,612	(\$700,000)	\$47,756,612		
Total all funds	\$48,456,612	\$48,456,612	(\$700,000)	\$47,756,612		
Less estimated income	<u>33,243,690</u>	<u>33,243,690</u>		<u>33,243,690</u>		
General fund	\$15,212,922	\$15,212,922	(\$700,000)	\$14,512,922		
FTE	449.54	449.54	0.00	449.54		
			FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b><sup>1</sup>Developmental Center - House Changes:</b>						
Reduces funding for capital improvement projects from the general fund from \$947,092 to \$300,000				(\$647,092)		(\$647,092)
Reduces funding for extraordinary repairs from \$600,000 to \$547,092				(52,908)		(52,908)
<b>Total House Changes - Developmental Center</b>			0.00	(\$700,000)	\$0	(\$700,000)

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$4,389,323	\$4,409,698	(\$34,265)	\$4,375,433
DHS - North Central HSC	8,924,775	8,970,346	(65,629)	8,904,717
DHS - Lake Region HSC	5,436,010	5,465,764	(38,006)	5,427,758
DHS - Northeast HSC	9,936,283	9,969,979	(89,904)	9,880,075
DHS - Southeast HSC	11,848,875	11,910,196	(86,359)	11,823,837
DHS - South Central HSC	8,291,192	8,320,442	(73,869)	8,246,573
DHS - West Central HSC	10,440,940	10,470,232	(100,548)	10,369,684
DHS - Badlands HSC	<u>5,003,380</u>	<u>5,017,294</u>	<u>(48,247)</u>	<u>4,969,047</u>
Total general fund	\$64,270,778	\$64,533,951	(\$536,827)	\$63,997,124

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$3,136,258	\$3,136,258		\$3,136,258
DHS - North Central HSC	7,917,967	7,917,967		7,917,967
DHS - Lake Region HSC	4,417,334	4,417,334		4,417,334
DHS - Northeast HSC	12,256,322	12,260,487	\$4,165	12,264,652
DHS - Southeast HSC	14,296,599	14,296,599		14,296,599
DHS - South Central HSC	6,450,546	6,460,823	10,277	6,471,100
DHS - West Central HSC	10,327,232	10,343,709	16,476	10,360,185
DHS - Badlands HSC	<u>4,845,616</u>	<u>4,845,756</u>	<u>141</u>	<u>4,845,897</u>
Total other funds	\$63,647,874	\$63,678,933	\$31,059	\$63,709,992

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
DHS - Northwest HSC	\$7,525,581	\$7,545,956	(\$34,265)	\$7,511,691
DHS - North Central HSC	16,842,742	16,888,313	(65,629)	16,822,684
DHS - Lake Region HSC	9,853,344	9,883,098	(38,006)	9,845,092
DHS - Northeast HSC	22,192,605	22,230,466	(85,739)	22,144,727
DHS - Southeast HSC	26,145,474	26,206,795	(86,359)	26,120,436
DHS - South Central HSC	14,741,738	14,781,265	(63,592)	14,717,673
DHS - West Central HSC	20,768,172	20,813,941	(84,072)	20,729,869
DHS - Badlands HSC	<u>9,848,996</u>	<u>9,863,050</u>	<u>(48,106)</u>	<u>9,814,944</u>
Total all funds	\$127,918,652	\$128,212,884	(\$505,768)	\$127,707,116
FTE	838.73	838.73	0.00	838.73

<sup>1</sup> Funding for the human service centers provided from the general fund is reduced as follows:

HUMAN SERVICE CENTER	GENERAL FUND
Northwest	(\$54,640)
North Central	(111,200)
Lake Region	(67,760)
Northeast	(123,600)
Southeast	(147,680)
South Central	(103,120)
West Central	(129,840)
Badlands	<u>(62,160)</u>
Total	(\$800,000)

Funding is added for the human service centers as listed below to provide a 5 percent annual inflationary increase for human service center contract service providers. The Senate provided a 4 percent increase and the executive budget recommended a 3 percent increase.

HUMAN SERVICE CENTER	GENERAL FUND	ESTIMATED INCOME	TOTAL
Northwest	\$20,375		\$20,375
North Central	45,571		45,571
Lake Region	29,754		29,754
Northeast	33,696	\$4,165	37,861
Southeast	61,321		61,321
South Central	29,251	10,277	39,528
West Central	29,292	16,476	45,768
Badlands	<u>13,913</u>	<u>141</u>	<u>14,054</u>
Total	\$263,173	\$31,059	\$294,232

Other changes to Senate Bill No. 2012:

Section 4 of the engrossed bill is changed to remove authority for the department to hire additional FTE positions without Emergency Commission approval.

Section 7 of the engrossed bill is changed to remove specific reference to the Robinson Recovery Center.

Section 10 of the engrossed bill added by the Senate providing for a Legislative Council study of the use of local property tax revenues to finance the delivery of human services is removed.

Sections added by the Senate changing the statutory name of qualified service providers to home service providers beginning July 2008 are removed.

Sections are added which:

- Identify one-time funding included in the budget and provide for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

- Remove the requirement that entities contracting to provide guardianship services to vulnerable adults maintain a system of volunteer guardians.
- Provide for a Legislative Council study of infant development services and funding.
- Provide for a Legislative Council study of nursing home equalization of rates and provider taxes/assessments on nursing homes.
- Provide legislative intent that developmental disabilities service providers give priority to using the increased funding being provided for the 2007-09 biennium for increasing their employees' salaries.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2152**

In lieu of the amendments adopted by the House as printed on pages 1002 and 1003 of the House Journal, Engrossed Senate Bill No. 2152 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 43-28.1-03 and a new section to chapter 43-28.1 of the North Dakota Century Code, relating to selection and eligibility for loan repayment under the dentists' loan repayment program; and to provide legislative intent.

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

**SECTION 1.** A new subsection to section 43-28.1-03 of the North Dakota Century Code is created and enacted as follows:

For the purposes of a dentist selected for loan payment who practices within fifteen miles [24.14 kilometers] of the city limits of Bismarck, Fargo, or Grand Forks, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement.

**SECTION 2.** A new section to chapter 43-28.1 of the North Dakota Century Code is created and enacted as follows:

##### **New practices - Grants.**

1. A dentist who graduated from an accredited dental school within the previous five years and is licensed to practice in North Dakota may submit an application to the state health council for a grant for the purpose of establishing a dental practice in a city in the state which has a population that does not exceed seven thousand five hundred.
2. The state health council may award a maximum of two grants per year and shall establish the criteria for the grant program under subsection 1 which must include:
  - a. A maximum grant award of fifty thousand dollars per applicant;
  - b. A requirement that the community must provide a fifty percent match for a grant;
  - c. A requirement that a dentist who receives a grant under this section must use the funds for buildings, equipment, and operating expenses;
  - d. A provision that the grant must be distributed in equal amounts over a five-year period; and
  - e. A requirement that a dentist selected for a grant under this section must commit to practice in the community for a minimum of five years.

**SECTION 3. LEGISLATIVE INTENT - GRANT PREFERENCE.** House Bill No. 1004 contains a \$380,000 appropriation from the community health trust fund to the state department of health for the dental loan repayment program for the biennium beginning July 1, 2007, and ending June 30, 2009. This funding is also to be used for the grant program established in this Act, with preference in the use of the funding to the grant applicants."

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2205**

In lieu of the amendments adopted by the House as printed on pages 1004 and 1005 of the House Journal, Reengrossed Senate Bill No. 2205 is amended as follows:

Page 1, line 1, after "50-09" insert "and a new subdivision to subsection 3 of section 57-15-01.1"

Page 1, line 2, after "general" insert "and to property tax reductions"

Page 1, line 3, after the first "sections" insert "11-23-01," and after "14-09-09.10" insert a comma

Page 1, line 10, after the first semicolon insert "to provide for a legislative council study;"; remove "and", and after the second "appropriation" insert "; and to provide an expiration date"

Page 1, after line 11, insert:

**"SECTION 1. AMENDMENT.** Section 11-23-01 of the North Dakota Century Code is amended and reenacted as follows:

**11-23-01. Officers required to furnish commissioners with departmental budget.**

1. Every officer in charge of any institution, office, or undertaking supported wholly or in part by the county shall file with the board of county commissioners a departmental budget that is prescribed by the state auditor. The departmental budget must include an itemized statement of the estimated amount of money that will be required for the maintenance, operation, or improvement of the institution, office, or undertaking for the ensuing year. The board of county commissioners may require additional information to clarify the departmental budget.
2. The departmental budget submitted by the county social service board in 2007 must identify the reduction in county funding derived from transfer of administration of the child support enforcement program from the county social service board to the department of human services on July 1, 2007. The amount reported must equal the full amount budgeted for administration of the child support enforcement program in the budget submitted by the county social service board and approved by the board of county commissioners in 2006. The budget must include a recommendation of how that reduction in county funding responsibility will be passed on to the property taxpayers of the county.

Page 10, after line 17, insert:

**"SECTION 14.** A new subdivision to subsection 3 of section 57-15-01.1 of the North Dakota Century Code is created and enacted as follows:

Reduced by the amount in dollars levied by a county in the base year for administration of the child support enforcement program by the county social service board and increased by section 16 of this Act."

Page 11, line 2, replace "16" with "19"

Page 11, line 21, replace "16" with "19"

Page 11, after line 22, insert:

**"SECTION 18. LEGISLATIVE COUNCIL STUDY - LOCALLY ADMINISTERED ECONOMIC ASSISTANCE PROGRAMS.** The legislative council shall consider studying, during the 2007-08 interim, the success and effects of the laws enacted by the fifty-fifth legislative assembly in House Bill No. 1041 and Senate Bill No. 2052, referred to in testimony as the "swap proposal", which required counties to pay the entire cost of the local administration of medicaid, energy assistance, basic care assistance, child care assistance, and temporary assistance for needy families in exchange for the state's assumption of the full responsibility for paying the grant costs associated with those programs. If conducted, the study should include a review of sections 50-01.2-00.1, 50-01.2-03.1, 50-01.2-03.2, 50-01.2-06, 50-03-00.1, 50-03-08, 50-03-09, and 50-03-10, subsection 28 of section 50-06-05.1, and sections 50-06-20, 50-24.1-14,

and 50-24.5-08 to determine if those provisions have created a more understandable and sustainable division of responsibility between the state and counties in the delivery and financing of these economic assistance programs. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Page 11, line 31, after "moneys" insert "in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,873,169, or so much of the sum as may be necessary, and"

Page 12, line 1, replace "\$12,796,830" with "\$5,615,123"

Page 12, line 4, remove "Of the \$12,796,830, \$7,181,707 is from the permanent oil tax trust fund."

Page 12, after line 10, insert:

**"SECTION 22. EXPIRATION DATE.** Section 1 of this Act is effective through December 31, 2007, and after that date is ineffective and section 14 of this Act is effective through December 31, 2009, and after that date is ineffective."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2070, SB 2129.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2070**

In lieu of the amendments adopted by the House as printed on page 1002 of the House Journal, Reengrossed Senate Bill No. 2070 is amended as follows:

Page 1, line 10, after "options" insert "including both institutional and home and community-based care."

Page 2, line 4, after the period insert "The department may use the funds appropriated from the general fund only if the department receives federal funds for an aging and disability resource center as described in section 1 of this Act. Any general fund amounts not used for the period beginning with the effective date of this Act and ending June 30, 2009, may not be spent."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2129**

Page 1, line 2, after the first comma insert "a new subdivision to subsection 1 of section 14-09-09.7"

Page 3, after line 25, insert:

**"SECTION 7.** A new subdivision to subsection 1 of section 14-09-09.7 of the North Dakota Century Code is created and enacted as follows:

Authorize a rebuttal of the presumption provided in subsection 3 based on the proportionate net income of the obligor and the obligee when the net income of the obligee is at least three times higher than the net income of the obligor."

Page 8, line 26, replace "16" with "17"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HCR 3045.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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



**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1107, Engrossed HB 1106, Engrossed HB 1001, and Engrossed HB 1014 be moved to the bottom of the Sixth order, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that after action taken on the Sixth order, SB 2419 and Engrossed HB 1290 be placed on their respective orders, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1290, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ page 1092 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1290:** A BILL for an Act to provide for the state department of health to contract for an evaluation of the state trauma system; to provide for a legislative council report; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Olafson; Tallackson

Engrossed HB 1290, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2419: SEN. LYSON (Natural Resources Committee) MOVED** that the amendments on SJ page 1045 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2419:** A BILL for an Act to create and enact chapter 57-51.2 of the North Dakota Century Code, relating to agreements with Indian tribes to share revenue from state taxes on mineral production from Indian reservations; to amend and reenact subsection 8 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption on production from wells on Indian reservations, Indian trust land, and land owned by an Indian tribe; to provide a continuing appropriation; and to provide an effective date.

**MOTION**

**SEN. STENEHJEM MOVED** that Engrossed SB 2419 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 6, remove "and" and after "date" insert "; to provide an expiration date; and to declare an emergency"

Page 3, line 1, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 3, line 2, after the period insert "This Act is ineffective after June 30, 2009, unless by that date the governor notifies the tax commissioner and the legislative council that an agreement has been entered with an Indian tribe under chapter 57-51.2."

**SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**SB 2419:** A BILL for an Act to create and enact chapter 57-51.2 of the North Dakota Century Code, relating to agreements with Indian tribes to share revenue from state taxes on mineral production from Indian reservations; to amend and reenact subsection 8 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption on production from wells on Indian reservations, Indian trust land, and land owned by an Indian tribe; to provide a continuing appropriation; to provide an effective date; 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, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Olafson; Tallackson

Reengrossed SB 2419 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1332:** A BILL for an Act to create and enact section 57-20-01.2 of the North Dakota Century Code, relating to waiver of penalties and interest on delinquent property taxes; to amend and reenact sections 15-08-19, 57-20-26, and 57-28-01 of the North Dakota Century Code, relating to the period of property tax delinquency before foreclosure of a tax lien; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Heitkamp; Krauter

**ABSENT AND NOT VOTING:** Olafson; Tallackson

HB 1332 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1344:** A BILL for an Act to create and enact a new section to chapter 24-07 of the North Dakota Century Code, relating to section lines.

#### 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Hacker

**ABSENT AND NOT VOTING:** Olafson; Tallackson

Engrossed HB 1344, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1461:** A BILL for an Act to create and enact a new section to chapter 15-10 and a new subsection to section 54-35-15.2 of the North Dakota Century Code, relating to higher education information technology and powers and duties of the information technology committee; and to amend and reenact sections 54-59-05, 54-59-09, and 54-59-11 of the North Dakota Century Code, relating to the information technology department, information technology standards, and information technology plans.

### MOTION

**SEN. CHRISTMANN MOVED** that Engrossed HB 1461 be amended as follows:

Page 1, line 1, replace the first "a" with "two" and replace "section" with "sections"

Page 1, line 3, after the first "technology" insert ", telecommunications and information services competition,"

Page 2, after line 10, insert:

"**SECTION 2.** A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

**Telecommunications and information services competition prohibited - Report.**

1. The northern tier network, part of a national research network infrastructure, serves entities within and outside this state. The North Dakota university system may use the northern tier network infrastructure only for the purpose of supporting the research and education missions of the North Dakota university system. The North Dakota university system may not use the northern tier network infrastructure for traditional internet, voice, video, or other telecommunications services beyond those required for research networks.
2. The North Dakota university system or any entity associated with the university system may not resell any portion of the northern tier network infrastructure to nonuniversity entities other than research collaborators.
3. The northern tier network may not replace any wide area network services to any city, county, or school district which are provided by the information technology department under section 54-59-08.
4. The North Dakota university system shall provide a comprehensive biennial report of northern tier network activities for the 2007-09 biennium and must submit to a biennial audit of the northern tier network activities beginning with the 2009-11 biennium."

Renumber accordingly

### MOTION

**SEN. POTTER MOVED** that the amendments be divided.

### RULING BY THE CHAIR

**PRESIDENT DALRYMPLE RULED** that the amendment was not divisible.

Therefore, the question being the adoption of the proposed floor amendment to Engrossed HB 1461, the proposed floor amendments were adopted on a voice vote.

**HB 1461:** A BILL for an Act to create and enact two new sections to chapter 15-10 and a new subsection to section 54-35-15.2 of the North Dakota Century Code, relating to higher education information technology, telecommunications and information services competition, and powers and duties of the information technology committee; and to amend and reenact sections 54-59-05, 54-59-09, and 54-59-11 of the North Dakota Century Code, relating to the information technology department, information technology standards, and information technology plans.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Olafson; Tallackson

Engrossed HB 1461, as amended, passed and the title was agreed to.

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**REQUEST**

**SEN. ANDRIST REQUESTED** the record show he intended to vote YEA on Engrossed HB 1461, as amended, which request was granted.

**SECOND READING OF HOUSE BILL**

**HB 1469:** A BILL for an Act to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to blocking established roads or trails for hunting purposes.

**ROLL CALL**

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Behm; Bowman; Christmann; Cook; Fiebiger; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nething; O'Connell; Pomeroy; Stenehjem; Tollefson; Urlacher; Wanzek; Wardner

**NAYS:** Bakke; Dever; Erbele; Fischer; Horne; Mathern; Nelson; Oehlke; Potter; Robinson; Seymour; Taylor; Triplett; Warner

**ABSENT AND NOT VOTING:** Olafson; Tallackson

Engrossed HB 1469, as further amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2003 as printed on SJ pages 1071-1074 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

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

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2009 as printed on SJ pages 1063-1067 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

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

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2016 as printed on SJ pages 1067-1070 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2016: Sens. Grindberg, Wardner, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2018 as printed on SJ pages 1074-1076 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2018: Sens. Grindberg, Krebsbach, Seymour.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2019 as printed on SJ pages 1081-1082 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2019: Sens. Krebsbach, Holmberg, Seymour.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2062 as printed on SJ page 824 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2062: Sens. Nething, Lyson, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2180 as printed on SJ pages 1076-1077 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2180: Sens. Klein, Wanzek, Heckaman.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2288 as printed on SJ pages 1077-1078 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2288: Sens. Wanzek, Erbele, Taylor.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2003, SB 2009, SB 2016, SB 2018, SB 2019, SB 2062, SB 2180, and SB 2288 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2003:** Sens. Kilzer; Holmberg; Mathern

**SB 2009:** Sens. Bowman; Fischer; Krauter

**SB 2016:** Sens. Grindberg; Wardner; Lindaas

**SB 2018:** Sens. Grindberg; Krebsbach; Seymour

**SB 2019:** Sens. Krebsbach; Holmberg; Seymour

**SB 2062:** Sens. Nething; Lyson; Nelson

**SB 2180:** Sens. Klein; Wanzek; Heckaman

**SB 2288:** Sens. Wanzek; Erbele; Taylor

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2419.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1332.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1290, HB 1344, HB 1469.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1461.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3065.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SB 2326.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SCR 4035.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2186.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2186**

In lieu of the amendments adopted by the House as printed on pages 1104 and 1105 of the House Journal, Reengrossed Senate Bill No. 2186 is amended as follows:

Page 1, line 1, after "chapter" insert "50-09 and a new section to chapter"

Page 1, line 2, after "to" insert "transition assistance for child care and" and replace "care workforce development and department of" with "quality activities"

Page 1, remove line 3

Page 1, line 4, remove "facilities and program and business technical assistance for early childhood care providers"

Page 1, after line 6, insert:

**"SECTION 1.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

**Transition assistance for child care.** The state agency shall establish a program of transition assistance to pay a portion of the cost of child care for families that lose eligibility, and remain ineligible, for benefits under section 50-09-29 due to earnings from employment. This program must:

1. Provide benefits for up to the six months following the loss of benefits under section 50-09-29;
2. Be paid directly to recipients using a debit card; and
3. Meet all requirements to be considered "assistance" for purposes of title 45, Code of Federal Regulations, part 260, section 31, or any substantially similar federal regulation that may replace title 45, Code of Federal Regulations, part 260, section 31."

Page 1, replace lines 10 through 24 with:

1. The department shall replace the reduction in child care development fund grants.
2. The department shall establish a statewide system to build systematic early childhood workforce voluntary training to include distance learning formats, a professional registry, certificates and specializations, scholarships, and technical assistance.
3. The department shall develop a voluntary quality rating system for licensed early childhood facilities which may be used as a tool to inform parents,

public officials, and other purchasers of child care regarding the level of quality at a facility.

4. The department shall establish a quality improvement program for center and home-based child care programs, which may include accreditation support, program, and business technical assistance and consultation.

Page 2, remove lines 1 through 12

Page 2, line 13, replace "in the" with "from special funds derived from federal funds and other income from the temporary assistance for needy families program"

Page 2, line 14, remove "general fund in the state treasury, not otherwise appropriated," and replace "\$1,900,000" with "\$1,491,210"

Page 2, after line 17, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys from special funds derived from federal funds and other income for the temporary assistance for needy families program the sum of \$1,500,000, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing section 2 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$166,221, or so much of the sum as may be necessary, to the department of human services for the purpose of replacing the reduction in child care development fund grants, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2341.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2341**

Page 1, line 1, replace the first comma with "and" and replace ", and legislative" with "; and to provide a contingent appropriation to the office of management and budget for the heritage center expansion project."

Page 1, remove line 2

Page 1, line 6, remove "favorably"

Page 1, line 9, remove "favorably"

Page 1, replace lines 16 through 20 with:

**"SECTION 3. CONTINGENT APPROPRIATION - LANDS AND MINERALS TRUST FUND.** There is appropriated out of any moneys in the lands and minerals trust fund the sum of \$1,500,000 on a contingency basis to the office of management and budget for the planning and design costs of the heritage center expansion project, for the biennium beginning July 1, 2007, and ending June 30, 2009. The appropriation is only available when the state historical society certifies to the office of management and budget that \$1,500,000 of private funds has been received and is available for the project. The private funds must be spent before the funds from the lands and minerals trust fund."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment provides a contingent appropriation of \$1,500,000 from the lands and minerals trust fund to the office of management and budget for the Heritage Center expansion project planning and design costs, if private funds of \$1,500,000 are received. The section providing for legislative participation on the Heritage Center planning and fundraising committee and providing for Budget Section reports is removed.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2001, SB 2002, SB 2004, SB 2005, SB 2006, SB 2007, SB 2008, SB 2010.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2001**

Page 1, line 23, replace "(45,582)" with "74,418"

Page 2, line 4, replace "(\$2,172,621)" with "(\$2,052,621)"

Page 2, line 6, replace "387,379" with "507,379"

Page 2, line 14, replace "306,787" with "426,787"

Page 2, line 20, replace "2,985,516" with "3,105,516"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2001 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Governor's office				
Total all funds	\$5,496,516	\$2,985,516	\$120,000	\$3,105,516
Less estimated income	2,500,000			
General fund	\$2,996,516	\$2,985,516	\$120,000	\$3,105,516
Department of Commerce				
Total all funds	\$0	\$11,000	\$0	\$11,000
Less estimated income				
General fund	\$0	\$11,000	\$0	\$11,000
Bill Total				
Total all funds	\$5,496,516	\$2,996,516	\$120,000	\$3,116,516
Less estimated income	2,500,000			
General fund	\$2,996,516	\$2,996,516	\$120,000	\$3,116,516

**Senate Bill No. 2001 - Governor's Office - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$2,592,429	\$2,592,429		\$2,592,429
Operating expenses	317,787	306,787	\$120,000	426,787
Grants	2,500,000			
Contingencies	10,000	10,000		10,000
Roughrider Awards	10,800	10,800		10,800
Presidential electors	500	500		500
Transition in	15,000	15,000		15,000
Transition out	50,000	50,000		50,000
Total all funds	\$5,496,516	\$2,985,516	\$120,000	\$3,105,516
Less estimated income	2,500,000			
General fund	\$2,996,516	\$2,985,516	\$120,000	\$3,105,516
FTE	18.00	18.00	0.00	18.00

**Dept. 101 - Governor's Office - Detail of House Changes**

	ADDS FUNDING FOR STATE CONSULTANT <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses	\$120,000	\$120,000
Grants		
Contingencies		
Roughrider Awards		
Presidential electors		
Transition in		
Transition out		
Total all funds	\$120,000	\$120,000
Less estimated income		
General fund	\$120,000	\$120,000
FTE	0.00	0.00

<sup>1</sup> Funding for the state consultant removed from the Office of Management and Budget in Senate Bill No. 2015 is added to the Governor's office budget.



**HOUSE AMENDMENTS TO SENATE BILL NO. 2002**

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

Page 1, line 3, after "state" insert "; and to provide for a report to the legislative assembly"

Page 2, line 7, replace "280,923" with "334,521"

Page 2, line 11, replace "\$3,142,302" with "\$3,088,704"

Page 2, line 13, replace "847,753" with "901,351"

Page 2, line 18, replace "824,253" with "877,851"

Page 2, line 20, replace "\$3,165,802" with "\$3,112,204"

Page 2, line 29, replace "2,583,525" with "2,637,123"

Page 3, line 2, replace "10,964,089" with "11,017,687"

Page 3, line 4, replace "5,010,116" with "5,063,714"

Page 3, line 9, replace "5,313,616" with "5,367,214"

Page 3, line 11, replace "11,267,589" with "11,321,187"

Page 3, after line 11, insert:

**"SECTION 4. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$824,153 for a mainframe migration computer project which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The secretary of state shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2002 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Secretary of State				
Total all funds	\$10,964,089	\$10,964,089	\$53,598	\$11,017,687
Less estimated income	5,953,973	5,953,973		5,953,973
General fund	\$5,010,116	\$5,010,116	\$53,598	\$5,063,714
Public Printing				
Total all funds	\$303,500	\$303,500	\$0	\$303,500
Less estimated income				
General fund	\$303,500	\$303,500	\$0	\$303,500
Bill Total				
Total all funds	\$11,267,589	\$11,267,589	\$53,598	\$11,321,187
Less estimated income	5,953,973	5,953,973		5,953,973
General fund	\$5,313,616	\$5,313,616	\$53,598	\$5,367,214

**Senate Bill No. 2002 - Secretary of State - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$2,583,525	\$2,583,525	\$53,598	\$2,637,123
Operating expenses	2,883,334	2,883,334		2,883,334
Petition review	8,000	8,000		8,000
Election reform	5,489,230	5,489,230		5,489,230
Total all funds	\$10,964,089	\$10,964,089	\$53,598	\$11,017,687
Less estimated income	5,953,973	5,953,973		5,953,973
General fund	\$5,010,116	\$5,010,116	\$53,598	\$5,063,714
FTE	27.00	27.00	0.00	27.00

**Dept. 108 - Secretary of State - Detail of House Changes**

	ADDS SALARY FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$53,598	\$53,598
Operating expenses		
Petition review		
Election reform		
Total all funds	\$53,598	\$53,598
Less estimated income		
General fund	\$53,598	\$53,598
FTE	0.00	0.00

<sup>1</sup> Funding is added to continue the salary levels for employees that received salary adjustments or reclassifications during the 2005-07 biennium.

A section is added identifying the one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2004**

Page 1, line 18, replace "538,514" with "654,014"

Page 1, line 21, replace "572,768" with "688,268"

Page 1, line 23, replace "419,802" with "535,302"

Page 2, line 6, replace "7,213,365" with "7,328,865"

Page 2, line 10, replace "8,133,914" with "8,249,414"

Page 2, line 12, replace "5,545,807" with "5,661,307"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2004 - State Auditor - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$7,213,365	\$7,213,365	\$115,500	\$7,328,865
Operating expenses	810,549	810,549		810,549
Capital assets	10,000	10,000		10,000
Information technology consultants	100,000	100,000		100,000
Total all funds	\$8,133,914	\$8,133,914	\$115,500	\$8,249,414
Less estimated income	<u>2,588,107</u>	<u>2,588,107</u>		<u>2,588,107</u>
General fund	\$5,545,807	\$5,545,807	\$115,500	\$5,661,307
FTE	54.80	54.80	0.00	54.80

**Dept. 117 - State Auditor - Detail of House Changes**

	ADDS FUNDING FOR SALARY EQUITY ADJUSTMENTS <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$115,500	\$115,500
Operating expenses		
Capital assets		
Information technology consultants		
Total all funds	\$115,500	\$115,500
Less estimated income		
General fund	\$115,500	\$115,500
FTE	0.00	0.00

<sup>1</sup> The House added funding for salary equity adjustments.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2005**

Page 1, line 3, after "treasurer" insert "; and to provide for a report to the legislative assembly"

Page 1, line 16, replace "60,733" with "181,417"

Page 1, line 17, replace "768,228" with "748,228"

Page 1, line 18, replace "(135,000)" with "(180,000)"

Page 1, line 19, replace "693,961" with "749,645"

Page 2, line 1, replace "705,493" with "826,177"

Page 2, line 2, replace "923,015" with "903,015"

Page 2, line 3, replace "1,410,000" with "1,365,000"

Page 2, line 4, replace "3,038,508" with "3,094,192"

Page 2, after line 10, insert:

**"SECTION 5. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$768,228 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The state treasurer shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Rewrite of mainframe software programs relating to tax distributions      \$768,228"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2005 - State Treasurer - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$705,493	\$705,493	\$120,684	\$826,177
Operating expenses	923,015	923,015	(20,000)	903,015
In lieu of tax payments	<u>1,410,000</u>	<u>1,410,000</u>	<u>(45,000)</u>	<u>1,365,000</u>
Total all funds	\$3,038,508	\$3,038,508	\$55,684	\$3,094,192
Less estimated income				
General fund	\$3,038,508	\$3,038,508	\$55,684	\$3,094,192
FTE	6.00	6.00	1.00	7.00

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

	ADDS 1 FTE ACCOUNTING POSITION <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$120,684	\$120,684
Operating expenses	(20,000)	(20,000)
In lieu of tax payments	<u>(45,000)</u>	<u>(45,000)</u>
Total all funds	\$55,684	\$55,684
Less estimated income		
General fund	\$55,684	\$55,684
FTE	1.00	1.00

<sup>1</sup> This amendment adds funding for 1 FTE accounting position and reduces funding for operating expenses and in lieu of tax payments.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2006**

Page 1, line 4, remove "and"

Page 1, line 5, after "Code" insert "; and to provide for a report to the legislative assembly"

Page 3, after line 2, insert:

**"SECTION 7. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$5,356,702 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The state tax commissioner shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Principal and interest costs for the integrated tax processing system \$5,356,702"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2006 - State Tax Commissioner - House Action

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2007

Page 1, line 2, after "commissioner" insert "; and to provide a contingent appropriation"

Page 1, line 17, replace "(15,113)" with "(15,113)"

Page 1, after line 17, insert:

"Operating expenses contingency 2,920"

Page 1, line 18, replace "91,637" with "94,557"

Page 1, line 20, replace "188,904" with "191,824"

Page 2, line 4, replace "309,230" with "309,230"

Page 2, after line 4, insert:

"Operating expenses contingency 2,920"

Page 2, line 5, replace "1,551,841" with "1,554,761"

Page 2, line 7, replace "1,150,143" with "1,153,063"

Page 2, after line 7, insert:

**"SECTION 4. CONTINGENT APPROPRIATION.** The funds appropriated in the operating expenses contingency line item in section 3 of this Act are available to the labor commissioner contingent upon the passage of Senate Bill No. 2121 by the sixtieth legislative assembly."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2007 - Labor Commissioner - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,242,611	\$1,242,611		\$1,242,611
Operating expenses	309,230	309,230		309,230
Operating expenses contingency			<u>\$2,920</u>	<u>2,920</u>
Total all funds	\$1,551,841	\$1,551,841	\$2,920	\$1,554,761
Less estimated income	<u>401,698</u>	<u>401,698</u>		<u>401,698</u>
General fund	\$1,150,143	\$1,150,143	\$2,920	\$1,153,063
FTE	11.00	11.00	0.00	11.00

## Dept. 406 - Labor Commissioner - Detail of House Changes

	PROVIDES CONTINGENCY FUNDING RELATING TO POSSIBLE NAME CHANGE <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Operating expenses contingency	\$2,920	\$2,920
Total all funds	\$2,920	\$2,920
Less estimated income		
General fund	\$2,920	\$2,920
FTE	0.00	0.00

<sup>1</sup> This amendment provides a general fund contingency appropriation of \$2,920 to the Labor Commissioner for expenses relating to implementing Senate Bill No. 2121. The funding is contingent upon the passage of Senate Bill No. 2121.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008**

Page 1, line 2, after "commission" insert "; to provide for a legislative council report; to provide for budget section approval"

Page 1, line 21, replace "642,032" with "558,150"

Page 1, line 22, replace "220,048" with "175,912"

Page 1, line 23, replace "49,473" with "30,473"

Page 2, line 2, replace "(945,000)" with "(450,000)"

Page 2, remove line 3

Page 2, line 4, replace "1,639,061" with "1,087,043"

Page 2, line 5, replace "1,068,231" with "663,231"

Page 2, line 6, replace "570,830" with "423,812"

Page 2, line 12, replace "5,764,864" with "5,680,982"

Page 2, line 13, replace "1,628,201" with "1,584,065"

Page 2, line 14, replace "137,984" with "118,984"

Page 2, replace line 17 with:

"Rail rate complaint case 495,000"

Page 2, line 18, replace "12,939,049" with "12,387,031"

Page 2, line 19, replace "8,005,382" with "7,600,382"

Page 2, line 20, replace "4,933,667" with "4,786,649"

Page 2, line 21, replace "\$800,000" with "\$450,000"

Page 2, line 25, remove "agriculture", replace "and service fund" with "complaint case", and replace "\$800,000" with "\$450,000"

Page 2, after line 28, insert:

**"SECTION 5. RAIL RATE COMPLAINT CASE - BUDGET SECTION APPROVAL - PRIVATE SECTOR MATCH.** Any expenditures by the public service commission for a rail rate complaint case from the beginning farmer revolving loan fund shall be matched by ten percent private sector funds. The public service commission shall request approval from the budget section for any expenditures relating to a rail rate complaint case in excess of \$20,000."

Page 3, after line 7, insert:

**"SECTION 7. GEOGRAPHIC INFORMATION SYSTEM INITIATIVE - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The public service commission shall provide a report to the sixty-first legislative assembly regarding the status of the department's geographic information system initiative.

**SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$50,484 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The public service commission shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Videoconferencing equipment	\$20,000
Prover	30,484
Total	\$50,484"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2008 - Public Service Commission - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,764,864	\$5,764,864	(\$83,882)	\$5,680,982
Operating expenses	1,628,201	1,628,201	(44,136)	1,584,065
Capital assets	107,500	137,984	(19,000)	118,984
Grants	8,000	8,000		8,000
Abandoned mined lands	4,500,000	4,500,000		4,500,000
contractual services				
Agriculture rail rate and	900,000	900,000	(900,000)	
service fund				
Rail rate complaint case			495,000	495,000
Total all funds	\$12,908,565	\$12,939,049	(\$552,018)	\$12,387,031
Less estimated income	8,005,382	8,005,382	(405,000)	7,600,382
General fund	\$4,903,183	\$4,933,667	(\$147,018)	\$4,786,649
FTE	42.00	42.00	(1.00)	41.00

#### Dept. 408 - Public Service Commission - Detail of House Changes

	REDUCES FUNDING FOR RAIL RATE CASE <sup>1</sup>	REMOVES 1 FTE WEIGHTS AND MEASURES INSPECTOR POSITION <sup>2</sup>	ADDS FUNDING FOR METROLOGY PROGRAM <sup>3</sup>	TOTAL HOUSE CHANGES
Salaries and wages		(\$83,882)		(\$83,882)
Operating expenses		(55,736)	\$11,600	(44,136)
Capital assets		(39,000)	20,000	(19,000)
Grants				
Abandoned mined lands				
contractual services				
Agriculture rail rate and	(\$900,000)			(900,000)
service fund				
Rail rate complaint case	495,000			495,000
Total all funds	(\$405,000)	(\$178,618)	\$31,600	(\$552,018)
Less estimated income	(405,000)			(405,000)
General fund	\$0	(\$178,618)	\$31,600	(\$147,018)
FTE	0.00	(1.00)	0.00	(1.00)

<sup>1</sup> The House provided \$495,000, of which \$450,000 is from the beginning farmer revolving loan fund and \$45,000 is other funds from the private sector, for a rail rate complaint case. The references to the agriculture rail rate and service fund are removed. Total expenditures for a rail rate complaint case shall include a 10 percent match from private sector funding. Any expenditures for a rail rate complaint case over \$20,000 require Budget Section approval.

<sup>2</sup> The House removed 1 FTE weights and measures inspector position and related funding for salaries and wages, travel, and equipment.

<sup>3</sup> The House provided \$31,600 of additional funding for costs to continue the state metrology program and provided that the \$30,000 of funding in the budget to have weights and measures equipment calibrated by Minnesota for National Institute of Standards and Technology-recognized services instead be applied to costs necessary to maintain the state program.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

The House added a section providing for the Legislative Assembly to provide a report to the 61st Legislative Assembly regarding the department's geographic information system initiative.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2010**

Page 1, line 4, replace "section" with "sections" and after "26.1-01-09" insert "and 26.1-22-10"

Page 1, line 5, after "salary" insert "and insurance of personal property by the state fire and tornado fund"

Page 1, line 12, remove "to fire districts"

Page 1, line 20, remove "to fire districts" and replace "(100,000)" with "70,000"

Page 1, line 21, replace "611,324" with "781,324"

Page 2, line 5, replace "6,320,000" with "6,490,000"

Page 2, line 6, replace "14,290,979" with "14,460,979"

Page 2, line 9, replace "\$60,000" with "\$70,000"

Page 2, line 23, replace "\$1,003,804" with "\$1,173,804" and after "fund" insert ", including \$170,000 for a grant to the North Dakota firefighter's association and \$1,003,804"

Page 3, after line 13, insert:

**"SECTION 12. AMENDMENT.** Section 26.1-22-10 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-22-10. Commissioner to provide insurance on all buildings and personal property.** Upon application the commissioner shall provide for insurance against loss by fire, lightning, inherent explosion, windstorm, cyclone, tornado and hail, explosions, riot attending a strike, aircraft, smoke, vehicles, or any other risks of direct physical loss, all in the manner and subject to the restrictions of the standard fire insurance policy and standard endorsement, and no other hazards, in the fund, on all buildings owned by the state, state industries, political subdivisions, international peace gardens, and winter shows, and the fixtures and permanent contents in such buildings, to the extent of not to exceed the insurable value of such property, as the value is agreed to between the commissioner and the officer or board having control of such property, or, in case of disagreement, by approval through arbitration. The commissioner may allow personal property to be insured on a blanket basis.

All buildings and the contents of the buildings owned by the state mill and elevator association, in lieu of coverage under this chapter, may, at the option of the industrial commission, be insured by private insurance companies licensed to do business in this state, against at least all the types of hazards insured against by the fund. If the industrial commission exercises the option provided in this section, the commission shall seek competitive sealed bids, shall invite the fund to submit a bid, and may reject any or all bids received.

All public buildings owned by a political subdivision, in lieu of coverage provided for in this section, may at the option of the governing body of the political subdivision be insured on the basis of competitive sealed bids, through the fund which must be invited to submit a sealed bid or private insurance companies licensed to do business in this state, against damage resulting from hazards, which include those types of hazards that may be insured against by the fund. The governing body may reject any or all such bids.

All public libraries owned by the state or political subdivisions may, in addition to the coverage provided for in this section, be covered against damage through vandalism. If this coverage cannot be extended to the public libraries situated within this state, the libraries may contract for this coverage with private insurance companies; provided, that this coverage meets the recommendations of the insurance code of the American library association."

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

### Senate Bill No. 2010 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Legislative Council				
Total all funds	\$0	\$60,000	\$10,000	\$70,000
Less estimated income		<u>60,000</u>	<u>10,000</u>	<u>70,000</u>
General fund	\$0	\$0	\$0	\$0
Insurance Department				
Total all funds	\$14,350,979	\$14,290,979	\$170,000	\$14,460,979
Less estimated income	<u>14,350,979</u>	<u>14,290,979</u>	<u>170,000</u>	<u>14,460,979</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$14,350,979	\$14,350,979	\$180,000	\$14,530,979
Less estimated income	<u>14,350,979</u>	<u>14,350,979</u>	<u>180,000</u>	<u>14,530,979</u>
General fund	\$0	\$0	\$0	\$0

### Senate Bill No. 2010 - Legislative Council - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Operating expenses		<u>\$60,000</u>	<u>\$10,000</u>	<u>\$70,000</u>
Total all funds	\$0	\$60,000	\$10,000	\$70,000
Less estimated income		<u>60,000</u>	<u>10,000</u>	<u>70,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

### Dept. 160 - Legislative Council - Detail of House Changes

	INCREASES FUNDING FOR NATIONAL CONFERENCE OF INSURANCE LEGISLATORS <sup>1</sup>	TOTAL HOUSE CHANGES
Operating expenses	<u>\$10,000</u>	<u>\$10,000</u>
Total all funds	\$10,000	\$10,000
Less estimated income	<u>10,000</u>	<u>10,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment increases the funding appropriated from the insurance regulatory trust fund to the Legislative Council for defraying expenses of legislative members attending functions of the National Conference of Insurance Legislators by \$10,000, from \$60,000 to \$70,000.

### Senate Bill No. 2010 - Insurance Department - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,792,602	\$5,792,602		\$5,792,602
Operating expenses	2,178,377	2,178,377		2,178,377
Grants	6,320,000	6,320,000	\$170,000	6,490,000
National Conference of Insurance Legislators	<u>60,000</u>			
Total all funds	\$14,350,979	\$14,290,979	\$170,000	\$14,460,979
Less estimated income	<u>14,350,979</u>	<u>14,290,979</u>	<u>170,000</u>	<u>14,460,979</u>
General fund	\$0	\$0	\$0	\$0
FTE	46.50	46.50	0.00	46.50

### Dept. 401 - Insurance Department - Detail of House Changes

	PROVIDES FUNDING FOR GRANT TO NORTH DAKOTA FIREFIGHTER'S ASSOCIATION <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages		



Operating expenses		
Grants	\$170,000	\$170,000
National Conference of Insurance Legislators		
Total all funds	\$170,000	\$170,000
Less estimated income	<u>170,000</u>	<u>170,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment appropriates funding of \$170,000 from the fire and tornado fund for a grant to the North Dakota Firefighter's Association. In previous bienniums, the Legislative Assembly appropriated this funding to the Office of Management and Budget. The Senate removed this funding from Senate Bill No. 2015.

This amendment also amends North Dakota Century Code Section 26.1-22-10 to allow personal property to be insured on a blanket basis by the state fire and tornado fund.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2126.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1089, HB 1166, HB 1198, HB 1219, HB 1270, HB 1379, HB 1394, and HB 1445 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1089:** Reps. Ruby; Vigesaa; Myxter  
**HB 1166:** Reps. Owens; Weisz; Delmore  
**HB 1198:** Reps. Haas; Sukut; Hanson  
**HB 1219:** Reps. Klemin; Koppelman; Delmore  
**HB 1270:** Reps. Herbel; Wall; Mueller  
**HB 1379:** Reps. Kasper; Karls; Schneider  
**HB 1394:** Reps. Grande; Boehning; Amerman  
**HB 1445:** Reps. Vigesaa; Weisz; Schmidt

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

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

**SB 2111:** Reps. Dosch; Vigesaa; Thorpe  
**SB 2146:** Reps. Sukut; Vigesaa; Delzer  
**SB 2165:** Reps. Owens; Ruby; Gruchalla  
**SB 2247:** Reps. Uglem; Brandenburg; Onstad  
**SB 2277:** Reps. Wall; Heller; Vig  
**SB 2406:** Reps. Ruby; Price; Schmidt

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2326.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2066, SB 2077, SB 2081, SB 2134, SB 2210, SB 2329, SB 2363.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2025, SB 2029, SB 2036, SB 2040, SB 2045, SB 2047, SB 2053, SB 2071, SB 2074, SB 2076, SB 2096, SB 2108, SB 2115, SB 2128, SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2179, SB 2193, SB 2194.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: HCR 3022, HCR 3036, HCR 3041, HCR 3043, HCR 3062.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: HB 1073, HB 1091, HB 1365, HB 1477.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Friday, March 30, 2007, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2251:** Your conference committee (Sens. Lyson, Urlacher, Heitkamp and Reps. Nottestad, Keiser, S. Meyer) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 851 and place SB 2251 on the Seventh order.

SB 2251 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**