

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, April 19, 2005

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Chief of Chaplains William Ziegler, North Dakota Joint Force Headquarters, Fargo.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HACKER MOVED that the conference committee report on Reengrossed HB 1259 as printed on SJ pages 1515-1516 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1259, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1259: A BILL for an Act to create and enact chapter 53-12.1 of the North Dakota Century Code, relating to a lottery; to amend and reenact subsection 5 of section 28-32-08.1, section 50-06-22, subsection 2 of section 50-09-14, subsection 2 of section 54-10-01, subsection 7 of section 57-38-57, subsection 47 of section 57-39.2-04, and subsection 7 of section 57-39.2-23 of the North Dakota Century Code, relating to economic impact statements, the compulsive gambling prevention and treatment fund, child support setoff, annual audits, compliance with tax reporting requirements, and sales tax exemptions; to repeal chapter 53-12 of the North Dakota Century Code, relating to a lottery; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; to provide a contingent appropriation; 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 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Erbele; Lee, G.; Nothing

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BROWN MOVED that the conference committee report on Reengrossed HB 1459 as printed on SJ pages 1516-1517 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1459, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to create and enact a new section to chapter 50-06 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to creation of a prescription drug monitoring program and medical assistance program management; to provide for reports to the legislative council; to provide for a legislative council study; to provide legislative intent; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed HB 1459, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1259, HB 1459.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2274.

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

MR. SPEAKER: The President has signed: SB 2047, SB 2111, SB 2174, SB 2187, SB 2200, SB 2251, SB 2266, SB 2302, SB 2372.

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

MR. SPEAKER: The President has signed: HB 1108, HB 1189, HB 1342, HB 1370, HB 1454, HB 1500, HB 1531.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2190, SB 2300, SB 2409.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2298.

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

MR. PRESIDENT: The Speaker has signed: SB 2298.

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 the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of Lois Altenburg.

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Lois Altenburg for the North Dakota Gaming Commission", the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the nomination of Lois Altenburg for the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of Blake Krabseth.

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Blake Krabseth for the North Dakota Gaming Commission", the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the nomination of Blake Krabseth for the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of James Wang.

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of James Wang for the North Dakota Gaming Commission", the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Seymour; Taylor; Triplett; Warner

The Senate advises and consents to the nomination of James Wang for the North Dakota Gaming Commission.

MOTION

SEN. CHRISTMANN MOVED that the Confirmation Session be dissolved, which motion prevailed.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2204.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed: HB 1359.

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

MR. PRESIDENT: The Speaker has signed: SB 2190, SB 2300, SB 2409.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1259, HB 1459.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 19, 2005: SB 2298.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

REPORT OF CONFERENCE COMMITTEE

SB 2228, as engrossed: Your conference committee (Sens. Bowman, Kilzer, Krauter and Reps. Monson, Skarphol, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1342, adopt amendments as follows, and place SB 2228 on the Seventh order:

That the House recede from its amendments as printed on page 1342 of the Senate Journal and pages 1603 and 1604 of the House Journal and that Engrossed Senate Bill No. 2228 be amended as follows:

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

Page 1, line 5, replace "general" with "permanent oil tax trust" and replace "\$50,000" with "\$350,000"

Page 1, line 7, after "a" insert "one-time"

Page 1, line 9, replace "biennium beginning July 1, 2005," with "period beginning with the effective date of this Act" and after the period insert "The funding for this project is subject to the building project being awarded to a contractor pursuant to procedures set forth in chapter 48-01.1."

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2228 - Parks and Recreation Department - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Grants		<u>\$50,000</u>	<u>\$300,000</u>	<u>\$350,000</u>	<u>\$500,000</u>	<u>(\$150,000)</u>
Total all funds	\$0	\$50,000	\$300,000	\$350,000	\$500,000	(\$150,000)
Less estimated income			<u>350,000</u>	<u>350,000</u>	<u>500,000</u>	<u>(150,000)</u>
General fund	\$0	\$50,000	(\$50,000)	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Dept. 750 - Parks and Recreation Department - Detail of Conference Committee Changes

	INCREASES FUNDING AND CHANGES FUNDING SOURCE ¹	TOTAL CONFERENCE COMMITTEE CHANGES
Grants	<u>\$300,000</u>	<u>\$300,000</u>
Total all funds	\$300,000	\$300,000
Less estimated income	<u>350,000</u>	<u>350,000</u>
General fund	(\$50,000)	(\$50,000)
FTE	0.00	0.00

¹ This amendment provides an appropriation of \$350,000 from the permanent oil tax trust fund to the Parks and Recreation Department for a one-time grant to the International Music Camp to assist with the construction costs of an international arts center at the International Peace Garden, pursuant to the procedures set forth in Chapter 48-01.1. The amendment also adds an emergency clause to the bill. The Senate had appropriated \$50,000 from the general fund for the project, and the House version changed that to appropriate \$500,000 from the permanent oil tax trust fund, require a match, provided the funding was subject to the procedures set forth in Chapter 48-01.1, and added an emergency clause to the bill.

Engrossed SB 2228 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BOWMAN MOVED that the conference committee report on Engrossed SB 2228 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2228, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to provide an appropriation to the parks and recreation department to assist with the construction costs of the international arts center at the international music camp; 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 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Christmann; Holmberg; Kilzer; Stenehjem; Syverson

Reengrossed SB 2228 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2016, as engrossed: Your conference committee (Sens. Fischer, Thane, Mathern and Reps. Wald, Rennerfeldt, Gulleon) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1140-1141, adopt amendments as follows, and place SB 2016 on the Seventh order:

That the House recede from its amendments as printed on pages 1140 and 1141 of the Senate Journal and pages 1352 and 1353 of the House Journal and that Engrossed Senate Bill No. 2016 is amended as follows:

Page 1, line 19, replace "689,039" with "645,718"

Page 1, line 23, replace "5,340" with "230,231"

Page 1, line 24, replace "1,018,622" with "1,200,192"

Page 2, line 1, replace "1,013,282" with "969,961"

Page 2, line 2, replace "5,340" with "230,231"

Page 2, line 8, replace "34,706,921" with "34,663,600"

Page 2, line 12, replace "1,255,340" with "1,480,231"

Page 2, line 13, replace "58,473,339" with "58,654,909"

Page 2, line 14, replace "57,217,999" with "57,174,678"

Page 2, line 15, replace "1,255,340" with "1,480,231"

Page 3, line 1, replace "1,255,340" with "1,480,231"

Page 3, line 2, replace "57,997,924" with "57,954,603"

Page 3, line 3, replace "59,253,264" with "59,434,834"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Job Service North Dakota - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$34,846,714	\$34,706,921	(\$43,321)	\$34,663,600	\$34,663,600	
Operating expenses	13,238,913	13,238,913		13,238,913	13,238,913	
Capital assets	225,000	225,000		225,000	225,000	

Grants	9,047,165	9,047,165		9,047,165	9,047,165	
Work Force 2000	1,480,724	1,255,340	224,891	1,480,231	1,255,231	\$225,000
Work First - Reed Act	256,560	254,925		254,925	254,925	
Unemployment insurance modernization - Reed Act	525,000	525,000		525,000	525,000	
Total all funds	\$59,620,076	\$59,253,264	\$181,570	\$59,434,834	\$59,209,834	\$225,000
Less estimated income	<u>58,139,352</u>	<u>57,997,924</u>	<u>(43,321)</u>	<u>57,954,603</u>	<u>57,954,603</u>	
General fund	\$1,480,724	\$1,255,340	\$224,891	\$1,480,231	\$1,255,231	\$225,000
FTE	355.80	355.80	0.00	355.80	355.80	0.00

Dept. 380 - Job Service North Dakota - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	RESTORES FUNDING FOR WORK FORCE 2000 ²	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$43,321)		(\$43,321)
Operating expenses			
Capital assets			
Grants			
Work Force 2000	(109)	\$225,000	224,891
Work First - Reed Act			
Unemployment insurance modernization - Reed Act			
Total all funds	(\$43,430)	\$225,000	\$181,570
Less estimated income	<u>(43,321)</u>		<u>(43,321)</u>
General fund	(\$109)	\$225,000	\$224,891
FTE	0.00	0.00	0.00

¹ This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.

² This amendment restores funding of \$225,000 from the general fund which was removed by the Senate for Work Force 2000 program. The following is a summary of the funding proposed for the Work Force 2000 program for the 2005-07 biennium:

Executive budget	\$1,480,724
Senate version	\$1,255,340
House version	\$1,255,231
Conference committee version	\$1,480,231

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. MATHERN MOVED that the conference committee report on Engrossed SB 2016 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2016, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

ROLL CALL

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

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

Reengrossed SB 2016 passed and the title was agreed to.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3060: A concurrent resolution urging the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives. Was read the first time.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, that HCR 3060 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3060: A concurrent resolution urging the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives.

MOTION

SEN. TRENBEATH MOVED that HCR 3060 be amended as follows, which motion prevailed on a voice vote.

Page 1, after line 18, insert:

"**WHEREAS**, North Dakota has a thriving commercial and private air service industry that could be beneficial to assisting in this initiative and the state pledges to work cooperatively to ensure all military, private, and public air service needs are met; and"

Renumber accordingly

Reps. Klein, Berg, Boucher and Sens. Stenehjem, O'Connell introduced:
(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3060, AS AMENDED

A concurrent resolution urging the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives.

WHEREAS, future special operations forces will require space with existing infrastructure and industry, with varying terrain and climates to train new nonstandard operations forces, develop and test new doctrines and tactics, and rehearse real-world scenarios; and

WHEREAS, North Dakota has the available towns and cities to train military operations on urban terrain, open remote land, and the infrastructure and industry access for targeting and securing; and

WHEREAS, North Dakota has low ongoing infrastructure or rental costs and a diverse industry base with no encroachment issues now or in the foreseeable future; and

WHEREAS, North Dakota's geography allows for real combat zone dimensions to facilitate "train as we fight" in the air and on the ground; and

WHEREAS, North Dakota has diverse terrain and four distinct seasons that allow for the replication of similar terrain and weather conditions of unstable regions of the world; and

WHEREAS, North Dakota can provide the United States military with the nation's largest overland air and ground training space which will allow for synchronized joint operations training; and

WHEREAS, North Dakota has a thriving commercial and private air service industry that could be beneficial to assisting in this initiative and the state pledges to work cooperatively to ensure all military private, and public air service needs are met; and

WHEREAS, North Dakota has five major Native American reservations for potential training with diverse cultures and native language challenges; and

WHEREAS, North Dakota has supportive political subdivisions and supportive populace with the highest per capita membership of United States military in the United States; and

WHEREAS, the Legislative Assembly and Governor strongly support this initiative and, by this resolution, demonstrate to the Department of Defense their commitment and ongoing support;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-ninth Legislative Assembly urges the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretary of Defense, the President of the United States, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3060: A concurrent resolution urging the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives.

The question being on the final adoption of the amended resolution, which has been read.

HCR 3060, as amended, was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2016.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2228.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3060.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 20, 2005, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2267, as engrossed: Your conference committee (Sens. Schobinger, Holmberg, Tallackson and Reps. Delzer, Pollert, Metcalf) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1276-1277, adopt amendments as follows, and place SB 2267 on the Seventh order:

That the House recede from its amendments as printed on pages 1276 and 1277 of the Senate Journal and pages 1440 and 1441 of the House Journal and that Engrossed Senate Bill No. 2267 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 57-39.2-26.2 of the North Dakota Century Code, relating to allocation of sales, use, and motor vehicle excise tax revenues to a state matching program for senior citizen services and programs; to amend and reenact subsection 5 of section 57-15-56 and section 57-39.2-26 of the North Dakota Century Code, relating to a state matching program for senior citizen services and programs; to provide a continuing appropriation; to provide a statement of legislative intent; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 57-15-56 of the North Dakota Century Code is amended and reenacted as follows:

5. The ~~department of human services~~ state treasurer shall provide matching funds ~~as provided in this subsection for the amounts levied by counties and cities for senior citizen services and programs operated pursuant to~~ funded as required by this section. The grants must be made on or before March first of each year ~~and must be equal to the amount levied for the previous taxable year by each county or city within the limitations of legislative appropriations, provided that no such~~ to each eligible county. A county receiving a grant under this section which has not levied a tax under this section shall transfer the amount received to a city within the county which has levied a tax under this section. A grant may not be made to any

county or city which that has not filed with the department of human services state treasurer a required written report verifying that grant funds received in the previous year under this subsection have been budgeted for the same purposes permitted for the expenditure of proceeds of a tax levied under this section. The written report must be received by the department of human services state treasurer on or before February first of each year following a year in which the reporting county or city received grant funds under this subsection. A matching fund grant must be provided from the senior citizen services and programs fund to each eligible county equal to two-thirds of the amount levied in dollars in the county under this section for the taxable year, but the matching fund grant applies only to a levy of up to one mill under this section.

It is the intent of the legislative assembly that counties or cities allocate an amount equal to one-third of one mill of property tax revenue from their funds raised or received under section 57-15-06, 57-15-08, or 57-39.2-26.1, or any combination of those fund sources, for senior citizen services and programs for each taxable year. A continuing appropriation of state matching funds and expectation of a local matching fund effort is initiated because of the anticipated increase in state aid distribution fund allocations, with the intent of stabilizing matching funds for senior citizen services and programs at a funding level of one mill for all participating counties. A county is not required to provide the one-third of one mill matching funds if the county program can be covered with the funding from the state and the levy under this section in the county. It is also anticipated that this change in funding will allow reduction of mill levies under this section in some counties, which will allow allocation of unused amounts under section 57-39.2-26.2 among counties levying the statutory maximum amount for taxable year 2004.

SECTION 2. AMENDMENT. Section 57-39.2-26 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26. Allocation of revenue. All Except as provided by sections 57-39-26.1 and 57-39.2-26.2, all moneys collected and received under this chapter must be paid into the state treasury and must be credited by the state treasurer to the general fund. Moneys deposited with the commissioner as security for the payment of tax, penalties, or costs due must be deposited and accounted for as provided in subsection 3 of section 57-39.2-12.

SECTION 3. Section 57-39.2-26.2 of the North Dakota Century Code is created and enacted as follows:

57-39.2-26.2. Allocation of revenues to senior citizen services and programs matching fund - Continuing appropriation. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to the amount of revenue that would have been generated by a levy of two-thirds of one mill on the taxable valuation of all property in the state subject to a levy under section 57-15-56 in the previous taxable year must be deposited by the state treasurer in the senior citizen services and programs fund during the period from July first through December thirty-first of each year. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax revenues which must be deposited in the fund as determined under this section. Revenues deposited in the senior citizen services and programs fund are provided as a standing and continuing appropriation for allocation as provided in subsection 5 of section 57-15-56. Any unexpended and unobligated amount in the senior citizen services and programs fund at the end of the 2005-07 biennium must be allocated among counties that levied the statutory maximum mill levy for taxable year 2004 in proportion to the dollars generated by those levies in those counties for that year but the allocation to any county may not exceed the difference between combined funding for the county's senior citizen services and programs for taxable year 2004 and the combined funding for those services and programs for taxable year 2006 and any remaining unexpended and unobligated amount at the end of any biennium must be transferred by the state treasurer to the state general fund.

SECTION 4. LEGISLATIVE INTENT - HOME-DELIVERED MEALS. It is the intent of the fifty-ninth legislative assembly that the department of human services encourage providers, to the extent possible, to allocate additional resources to make available more home-delivered meals for the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 5. EFFECTIVE DATE. This Act is effective for tax collections received after June 30, 2005."

Renumber accordingly

Engrossed SB 2267 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