

**JOURNAL OF THE HOUSE**

**Fifty-seventh Legislative Assembly**

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**Bismarck, February 1, 2001**

The House convened at 1:00 p.m., with Acting Speaker Wald presiding.

The prayer was offered by Peter Looking Horse, Tribal Leader, St. Elizabeth Catholic Church, Cannonball.

The roll was called and all members were present except Representatives L. Thoreson and Bernstein.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 271, after line 10 insert

**"SECOND READING OF HOUSE BILL**

**HB 1317:** A BILL for an Act to create and enact a new subsection to section 15-10-17 of the North Dakota Century Code, relating to the creation of a division of immigration within the state board of higher education; and to amend and reenact section 4-01-20 of the North Dakota Century Code and section 43 of Senate Bill No. 2032, relating to creation of a division of immigration within the department of commerce.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 69 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Huether; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Maragos; Metcalf; Mueller; Niemeier; Schmidt; Thorpe; Warner; Wentz; Winrich

**NAYS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Martinson; Meier; Monson; Nelson; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Onstad; Solberg

HB 1317 was declared lost."

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

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1128 HB 1310, HB 1380, and HB 1465 be adopted, which motion prevailed.

HB 1310, as amended, was rereferred to the **Appropriations Committee**.

HB 1380, and HB 1465, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

**REP. BELTER MOVED** that HB 1128, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

Engrossed HB 1007 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1160:** A BILL for an Act to amend and reenact subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to disposition of fees for concealed weapons licenses.

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

Engrossed HB 1160 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1364:** A BILL for an Act to amend and reenact sections 19-03.1-23 and 19-03.1-23.2 of the North Dakota Century Code, relating to mandatory terms of imprisonment.

#### 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 79 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Clark; DeKrey; Delmore; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**NAYS:** Bellew; Carlisle; Carlson; Cleary; Delzer; Dosch; Grosz; Kasper; Keiser; Kelsch, R.; Klein, F.; Kliniske; Martinson; Meier; Rennerfeldt; Thoreson, B.; Weiler

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1364 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management; and to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the termination of the fee system for the hazardous chemicals preparedness and response program.

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1016 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1094:** A BILL for an Act to create and enact a new section to chapter 15-38 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to the creation of a teacher mentor program; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Delmore; Glassheim; Gulleon; Lemieux; Warner; Winrich

**NAYS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt;

Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1094 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1183:** A BILL for an Act to amend and reenact section 34-14-03 of the North Dakota Century Code, relating to wages payable upon separation from employment.

### 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 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**NAYS:** Kasper

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1183 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1201:** A BILL for an Act to create and enact section 57-40.3-02.1 of the North Dakota Century Code, relating to motor vehicle excise tax imposed on motor vehicle leases; and to amend and reenact subsection 5 of section 57-40.3-01, subsection 6 of section 57-40.3-04, and section 57-40.3-12 of the North Dakota Century Code, relating to the definition of purchase price, exemptions from motor vehicle excise taxes, and administration of motor vehicle use taxes.

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1201 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1265:** A BILL for an Act to amend and reenact subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to imposition of the transmission lines tax based on line mileage; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 85 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Carlson; Herbel; Kasper; Keiser; Klein, M.; Lloyd; Meier; Price; Acting Speaker Wald

**NAYS:** Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1265 was declared lost.

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**REP. AARSVOLD INTENDED** to vote "Nay" on HB 1265.

**SECOND READING OF HOUSE BILL**

**HB 1268:** A BILL for an Act to amend and reenact subsection 2 of section 15-59-01 of the North Dakota Century Code or in the alternative to amend and reenact subsection 4 of section 15.1-32-01 of the North Dakota Century Code, relating to students with disabilities.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** DeKrey; Grande; Lloyd; Weisz

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Kelsh, S.; Nicholas; Thoreson, L.

HB 1268 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1275:** A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-18 of the North Dakota Century Code, relating to substitute teachers; and to amend and reenact section 15-47-42 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-18-04 of the North Dakota Century Code, relating to the status and authority of substitute teachers.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 62 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Boehm; Brandenburg; Byerly; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froelich; Froseth; Grande; Grosz; Gunter; Kasper; Kempenich; Koppelman; Lemieux; Maragos; Nelson; Renner; Rennerfeldt; Severson; Skarphol; Thoreson, B.; Tieman; Timm; Weiler; Weisz; Wrangham; Acting Speaker Wald

**NAYS:** Aarsvold; Bellew; Berg; Boucher; Brekke; Brusegaard; Carlisle; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Galvin; Glasheim; Grumbo; Gulleeson; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Kroeber; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Ruby; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Warner; Wentz; Wikenheiser; Winrich

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1275 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1290:** A BILL for an Act to amend and reenact subdivision e of subsection 5 of section 6-06-06 of the North Dakota Century Code, relating to the limitation on credit union investment in certain notes or bonds.

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1290 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1314:** A BILL for an Act to amend and reenact section 26.1-47-03 of the North Dakota Century Code, relating to provisions of health care preferred provider arrangements.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 96 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson;

Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Thoreson, L.

HB 1314 was declared lost.

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**REPORT OF STANDING COMMITTEE**

**HB 1001: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,127,065" with "1,984,329"

Page 1, line 11, replace "224,370" with "214,370"

Page 1, line 12, replace "9,600" with "4,200"

Page 1, line 14, replace "10,800" with "10,800"

Page 1, after line 14, insert:

"Governor's school initiative 150,000"

Page 1, line 15, replace "2,381,835" with "2,373,699"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1001 - Governor's Office - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$2,127,065	(\$142,736)	\$1,984,329
Operating expenses	224,370	(10,000)	214,370
Equipment	9,600	(5,400)	4,200
Contingency	10,000		10,000
Roughrider awards	10,800		10,800
Governor's school initiative		<u>150,000</u>	<u>150,000</u>
Total all funds	\$2,381,835	(\$8,136)	\$2,373,699
Less estimated income			
General fund	\$2,381,835	(\$8,136)	\$2,373,699
FTE	18.00	(1.00)	17.00

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

	REMOVE NEW POLICY POSITION 1	ADD FUNDING FOR SCHOOL INITIATIVE 2	TOTAL HOUSE CHANGES
Salaries and wages	(\$142,736)		(\$142,736)
Operating expenses	(10,000)		(10,000)
Equipment	(5,400)		(5,400)
Contingency			
Roughrider awards			
Governor's school initiative		<u>\$150,000</u>	<u>150,000</u>
Total all funds	(\$158,136)	\$150,000	(\$8,136)
Less estimated income			
General fund	(\$158,136)	\$150,000	(\$8,136)
FTE	(1.00)	0.00	(1.00)

<sup>1</sup> The new policy position added in the executive budget is removed.

<sup>2</sup> Funding is added for costs associated with the Governor's school initiative. Governor Hoeven had recommended \$505,192 from the general fund for this initiative. Governor Schafer had recommended funding of \$575,192 from the general fund in the Department of Public Instruction for the Quality Schools Commission.

**REPORT OF STANDING COMMITTEE**

**HB 1002: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS,

1 ABSENT AND NOT VOTING). HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "2,122,684" with "2,115,131"

Page 1, line 16, replace "4,282,474" with "4,274,921"

Page 1, line 18, replace "3,912,474" with "3,904,921"

Page 1, line 23, replace "4,420,474" with "4,412,921"

Page 2, line 2, replace "4,790,474" with "4,782,921"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1002 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Secretary of State			
Total all funds	\$4,282,474	(\$7,553)	\$4,274,921
Less estimated income	370,000		370,000
General fund	\$3,912,474	(\$7,553)	\$3,904,921
Public Printing			
Total all funds	\$508,000	\$0	\$508,000
Less estimated income			
General fund	\$508,000	\$0	\$508,000
Bill Total			
Total all funds	\$4,790,474	(\$7,553)	\$4,782,921
Less estimated income	370,000		370,000
General fund	\$4,420,474	(\$7,553)	\$4,412,921

##### House Bill No. 1002 - Secretary of State - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$2,122,684	(\$7,553)	\$2,115,131
Operating expenses	2,063,790		2,063,790
Equipment	84,000		84,000
Petition review	12,000		12,000
Total all funds	\$4,282,474	(\$7,553)	\$4,274,921
Less estimated income	370,000		370,000
General fund	\$3,912,474	(\$7,553)	\$3,904,921
FTE	26.00	0.00	26.00

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

	ADJUST MARKET EQUITY SALARY INCREASE	TOTAL HOUSE CHANGES
Salaries and wages	(\$7,553) <sup>1</sup>	(\$7,553)
Operating expenses		
Equipment		
Petition review		
Total all funds	(\$7,553)	(\$7,553)
Less estimated income		
General fund	(\$7,553)	(\$7,553)
FTE	0.00	0.00

<sup>1</sup> This amendment reduces, from \$14,051 to \$6,498, the amount provided for a market equity salary increase for the Secretary of State. The amount included in the bill will provide for a monthly increase of \$309.17 and related fringe benefits for the last 18 months of the biennium.

#### REPORT OF STANDING COMMITTEE

**HB 1005: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1005 was placed on the Sixth order on the calendar.



Page 1, line 2, remove the first "and", replace "section" with "sections", and after "54-11-13" insert "and 54-27-08"

Page 1, line 3, after "treasurer" insert "and the signing of warrants by electronic means; and to provide legislative intent to prohibit payment of national association of state treasurers-related activities"

Page 1, line 10, replace "651,142" with "642,551"

Page 1, line 13, replace "759,178" with "750,587"

Page 1, after line 19, insert:

**"SECTION 3. AMENDMENT.** Section 54-27-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-27-08. How moneys paid from state treasury - Warrants - When not necessary.** Except as otherwise provided, moneys may be paid from the state treasury only upon the warrant or order prepared by the office of management and budget drawn on the state treasurer. The state auditor shall recommend a form for order and warrant-check of the state government which must conform, so far as consistent with statutory requirements, to approved banking practice ~~in order~~ to facilitate handling of such instruments by banks and other depositories. ~~When such an order and warrant-check is signed by the state auditor, the state treasurer shall accept the order or warrant with his the treasurer's signature, making the order and warrant-check negotiable. No warrant upon the treasurer may be delivered or mailed to the payee or his the payee's agent or representative until the warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. A record must be maintained specifying upon what fund or from what apportionment each warrant is to be paid. The state treasurer may redeem outstanding bonds or pay interest on bonds when due without the warrant of the office of management and budget, retaining the bond or interest coupon as his a voucher for the payment until the next succeeding settlement. With respect to electronic records and electronic signatures, the state treasurer shall utilize the services provided by the information technology department.~~

**SECTION 4. LEGISLATIVE INTENT - PAYMENT OF NATIONAL ASSOCIATION OF STATE TREASURERS-RELATED ACTIVITIES.** It is the intent of the legislative assembly that the state treasurer be prohibited from using state funds for activities related to the national association of state treasurers for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1005 - State Treasurer - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$651,142	(\$8,591)	\$642,551
Operating expenses	106,036		106,036
Equipment	<u>2,000</u>		<u>2,000</u>
Total all funds	\$759,178	(\$8,591)	\$750,587
Less estimated income			
General fund	\$759,178	(\$8,591)	\$750,587
FTE	7.00	0.00	7.00

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

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$8,591)	(\$8,591)
Operating expenses		
Equipment		
Total all funds	(\$8,591)	(\$8,591)
Less estimated income		
General fund	(\$8,591)	(\$8,591)

FTE 0.00 0.00

<sup>1</sup> This amendment reduces, from \$11,294 to \$2,703, the amount provided for a market equity salary increase for the Deputy State Treasurer. The amount included in the bill will provide for a monthly increase of \$129 and related fringe benefits for the last 18 months of the biennium.

Two sections are added requiring the State Treasurer to utilize the services of the Information Technology Department for electronic records and signatures and providing legislative intent regarding the use of state funds for activities related to National Association of State Treasurers.

**REPORT OF STANDING COMMITTEE**

**HB 1010: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to employees exempt from the state classified service;"

Page 1, line 11, replace "4,387,527" with "4,513,847"

Page 1, line 12, replace "1,560,196" with "1,627,196"

Page 1, line 14, replace "6,067,078" with "6,260,398"

Page 2, after line 12, insert:

**"SECTION 7. ANHYDROUS AMMONIA STORAGE FACILITY INSPECTION FUND.** Section 1 of this Act includes the sum of \$75,000, or so much of the sum as may be necessary, from the anhydrous ammonia storage facility inspection fund to pay for anhydrous ammonia tank inspection costs, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Page 2, after line 19, insert:

**"SECTION 9.** A new subsection to section 54-44.3-20 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

Attorneys employed by the insurance commissioner."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1010 - Summary of House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Insurance Tax to Fire Department			
Total all funds	\$5,200,000	\$0	\$5,200,000
Less estimated income	<u>5,200,000</u>	<u>          </u>	<u>5,200,000</u>
General fund	\$0	\$0	\$0
Insurance Department			
Total all funds	\$6,067,078	\$193,320	\$6,260,398
Less estimated income	<u>6,067,078</u>	<u>193,320</u>	<u>6,260,398</u>
General fund	\$0	\$0	\$0
Bill Total			
Total all funds	\$11,267,078	\$193,320	\$11,460,398
Less estimated income	<u>11,267,078</u>	<u>193,320</u>	<u>11,460,398</u>
General fund	\$0	\$0	\$0

**House Bill No. 1010 - Insurance Department - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,387,527	\$126,320	\$4,513,847
Operating expenses	1,560,196	67,000	1,627,196
Equipment	<u>119,355</u>	<u>          </u>	<u>119,355</u>
Total all funds	\$6,067,078	\$193,320	\$6,260,398
Less estimated income	<u>6,067,078</u>	<u>193,320</u>	<u>6,260,398</u>
General fund	\$0	\$0	\$0
FTE	44.50	1.00	45.50

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

	RESTORE FUNDING FOR NONCLASSIFIED PROFESSIONAL POSITION	INCREASE OPERATING FOR REMODELING COSTS	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$131,721		(\$5,401)	\$126,320
Operating expenses		\$67,000		67,000
Equipment				
Total all funds	\$131,721	\$67,000	(\$5,401)	\$193,320
Less estimated income	<u>131,721</u>	<u>67,000</u>	<u>(5,401)</u>	<u>193,320</u>
General fund	\$0	\$0	\$0	\$0
FTE	1.00	0.00	0.00	1.00

<sup>1</sup> This amendment reduces, from \$8,802 to \$3,401, the amount provided for a market equity salary increase for the director. The amount included in the bill will provide for a monthly increase of \$162 and related fringe benefits for the last 18 months of the biennium.

The amendment also adds a new subsection to North Dakota Century Code Section 54-44.3-20 excepting legal positions of the Insurance Commissioner from the state classified service and adds a new section that provides that up to \$75,000 is available from the anhydrous ammonia storage facility inspection fund to pay for anhydrous ammonia tank inspections done by the Insurance Department.

**REPORT OF STANDING COMMITTEE**

**HB 1034: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1034 was referred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1086: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1086 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "or a rate of one percent of the"

Page 1, line 12, remove "positive employer maximum rate in effect that year"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1121: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1121 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1149: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1149 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1172: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1172 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1196: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1196 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 23-27-04.5 and a new chapter to title 43 of the North Dakota Century Code, relating to the nursing facility nurses loan repayment program and a quick-response unit service pilot program; to amend and reenact sections 6-09.16-01, 6-09.16-02, 6-09.16-03, 6-09.16-04, 6-09.16-05, 6-09.16-06, 23-09.3-01.1, 50-24.4-30, 50-30-01, 50-30-02, and 50-30-04 of the North Dakota Century Code, relating to the nursing facility alternative loan fund, the moratorium on the expansion of basic care bed capacity, the government nursing facility funding pool, and nursing facility loans; to provide for a transfer from the nursing facility alternative grant fund; to provide for a

transfer from the health care trust fund; to provide an appropriation; to provide a continuing appropriation; to provide an expiration date; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 6-09.16-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-09.16-01. (~~Effective through June 30, 2001~~) Definitions.** Terms defined in chapter 50-30 have the same meaning when used in this chapter.

**SECTION 2. AMENDMENT.** Section 6-09.16-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-09.16-02. (~~Effective through June 30, 2001~~) Revolving Long-term care facility loan fund -~~Appropriation~~ Continuing appropriation. A revolving loan fund must be maintained in the Bank of North Dakota for the purpose of making loans to ~~nursing~~:**

1. Nursing facilities, basic care facilities, or assisted living facilities, or other entities providing alternatives to nursing facility care, to encourage and support conversion of nursing facilities for construction or renovation projects.
2. Technology projects relating to the delivery of long-term care or medical care.

All moneys transferred into the fund, interest upon moneys in the fund, and collections of interest and principal on loans made from the fund are ~~hereby~~ appropriated for disbursement pursuant to the requirements of this chapter.

**SECTION 3. AMENDMENT.** Section 6-09.16-03 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-09.16-03. (~~Effective through June 30, 2001~~) Nursing Long-term care facility alternative loan fund.**

1. There is ~~hereby~~ created a ~~nursing~~long-term care facility alternative loan fund. The fund~~shall include~~ consists of revenue transferred from the North Dakota health care trust fund, interest upon moneys in the fund, and collections of interest and principal on loans made from the fund.
2. The Bank of North Dakota shall administer the loan fund. Funds in the loan fund may be used for:
  - a. Loans as provided in this chapter and as approved by the department under chapter 50-30; and
  - b. The costs of administration of the fund;~~and~~
  - e. ~~Repayment of federal funds if the United States department of health and human services determines that funds were inappropriately claimed under section 50-24.4-30.~~
3. Any money in the fund not required for use under subsection 2 must be transferred to the North Dakota health care trust fund.

**SECTION 4. AMENDMENT.** Section 6-09.16-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-09.16-04. (~~Effective through June 30, 2001~~) Loan application - How made.** All applications for loans under this chapter must be made to the department. The department may approve the applications of qualified applicants ~~who~~that propose projects that conform to requirements established under chapter 50-30. ~~Applications approved by the department must be forwarded to the Bank of North Dakota. Upon The Bank of North Dakota shall review and approve or reject all loan applications forwarded to the Bank by the department. For applications approved by the Bank and upon final approval of the application by the Bank of North Dakota~~department, loans may be made

from the ~~revolving~~ long-term care facility loan fund in accordance with the ~~provisions of~~ this chapter.

**SECTION 5. AMENDMENT.** Section 6-09.16-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-09.16-05. (Effective through June 30, 2001) Amount of loans - Terms and conditions.** Loans in an amount not exceeding ~~eighty~~ ninety percent of project costs may be made by the Bank of North Dakota from the fund maintained pursuant to this chapter. Such loans must bear interest at a rate ~~determined by the Bank of North Dakota to be two percentage points less than the market rate for similar commercial loans, provided that no loan may bear interest at a rate less than one half of one two percent, or more than seven percent,~~ of the outstanding principal balance of the loan. In consideration of the making of a loan under this chapter, each borrower shall execute a contract with the department to operate the project in accordance with standards established under chapter 50-30. The contract must also provide that if the use of the project is discontinued or diverted to purposes other than those provided in the loan application without written consent of the department, the full amount of the loan provided under this chapter immediately becomes due and payable. The Bank of North Dakota may annually deduct, as a service fee for administering the ~~revolving~~ loan fund maintained under this chapter, one-half of one percent of the principal balance of the outstanding loans from the ~~revolving~~ fund.

**SECTION 6. AMENDMENT.** Section 6-09.16-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-09.16-06. (Effective through June 30, 2001) Powers of Bank of North Dakota.** The Bank of North Dakota may do all acts or things necessary to negotiate loans and preserve security under this chapter, including the power to take such security as deemed necessary, to exercise any right of redemption, and to bring suit in order to collect interest and principal due ~~the revolving loan fund~~ under mortgages, contracts, and notes executed to obtain loans under the provisions of this chapter. If the applicant's plan for financing provides for a loan of funds from sources other than the state of North Dakota, the Bank of North Dakota may take a subordinate security interest. The bank may recover from the ~~revolving~~ loan fund amounts actually expended by it for legal fees and to effect a redemption.

**SECTION 7. AMENDMENT.** Section 23-09.3-01.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09.3-01.1. Moratorium on expansion of basic care bed capacity.** Except when ~~existing beds are converted for use by nursing facilities~~ existing licensed nursing facility bed capacity to basic care bed capacity or the alzheimer's and related dementia population under the pilot projects provided for in established under section 50-06-14.4 are requesting licensure of their existing beds as basic care bed capacity, or unless the applicant can demonstrate to the department that a need for additional basic care bed capacity exists in the immediate geographic area, the department may not issue a license under this chapter for any additional bed capacity above the state's gross licensed capacity of one thousand four hundred seventy-one beds, adjusted by any reduction in beds before July 31, ~~1999~~ 2001, during the period between August 1, ~~1999~~ 2001, and July 31, ~~2004~~ 2003. Transfers of existing beds from one municipality to another municipality must be approved if the licensing requirements are met, during the period August 1, ~~1999~~ 2001, to July 31, ~~2004~~ 2003, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. ~~Existing licensed beds released by a facility which are not immediately transferred to another facility may not be banked for future transfer to another facility.~~ A nursing facility may designate up to twenty percent of its licensed bed capacity as both nursing care bed capacity and basic care bed capacity under rules promulgated by the department. This designation as basic care bed capacity is not subject to the basic care bed capacity limit.

**SECTION 8.** Section 23-27-04.5 of the North Dakota Century Code is created and enacted as follows:

23-27-04.5. (Effective through June 30, 2003) Quick-response unit service pilot program. The department shall create and implement a pilot program that creates incentives for basic life support ambulance services and advanced life support ambulance services to convert to quick-response unit services or create quick-response units in areas not already served. During the first year of the program, a maximum of five new quick-response units may receive a one-time five thousand dollar grant under

this program and a maximum of twenty converting ambulance services may receive grants in the amount of five thousand dollars each year for a two-year period. During the second year of the program, the department shall distribute any remaining funds to converting ambulance services or to ten additional newly created quick-response units.

**SECTION 9.** A new chapter to title 43 of the North Dakota Century Code is created and enacted as follows:

Nursing facility nurses loan repayment program - State health council - Powers and duties. The state health council, in cooperation with the North Dakota long term care association, shall administer the nursing facility nurses loan repayment program. The state health council shall adopt rules necessary to administer the nursing facility nurses loan repayment program.

Nurse selection criteria - Eligibility for loan repayment program.

1. The state health council shall adopt rules establishing criteria regarding nurse selection for loan repayment funds under this chapter. The criteria must give priority to nurses employed by rural facilities and must give priority to nurses with previous long-term care experience.
2. In addition to meeting the selection criteria, an applicant for loan repayment under this chapter shall establish that the applicant:
  - a. Is licensed as a nurse under chapter 43-12.1;
  - b. Is employed as a nurse by a licensed nursing facility; and
  - c. Has an outstanding education loan balance.

Distribution of funds. The state health council shall distribute funds to applicants who meet the criteria standards and eligibility standards. The amount of repayment is based on the amount of the outstanding balance of the educational loan on the date of application plus any interest incurred during the period of repayment under this chapter. A nurse approved to receive loan reimbursement under this chapter shall receive direct payments equal to:

1. Thirty percent of the amount of the outstanding balance of the loan on the date of application plus the amount of any interest incurred since the date of application after one year of employment following application;
2. Thirty percent of the amount of the outstanding balance of the loan on the date of application plus the amount of any interest incurred since the first repayment after two years of employment;
3. Twenty-five percent of the amount of the outstanding balance of the loan on the date of application plus the amount of any interest incurred since the second repayment after three years of employment following application; and
4. Fifteen percent of the amount of the outstanding balance of the loan on the date of application plus the amount of any interest incurred since the third repayment after four years of employment following application.

Nursing facility nurses loan repayment fund - Continuing appropriation. The nursing facility nurses loan repayment fund is created in the state treasury. The fund consists of revenue transferred from the North Dakota health care trust fund and interest earned on moneys in the fund. Moneys in the fund are appropriated and may be spent by the state health council for defraying the expenses of the nursing facility nurses loan repayment program in accordance with this chapter.

**SECTION 10. AMENDMENT.** Section 50-24.4-30 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.4-30. (~~Effective through June 30, 2004~~) Government nursing facility funding pool - ~~Appropriations.~~**

1. For purposes of this section:

- a. "Fiscal period" means a twelve-month period determined by the department; and
  - b. "~~Governmental~~ Government nursing facility" means ~~any~~ a nursing home administered by any political subdivision of this state for which a rate is set under this chapter.
2. The department shall establish a pool consisting of an amount annually calculated by multiplying the total of all resident days of all nursing homes during the fiscal period during which a resident was eligible for and received benefits under chapter 50-24.1 times an amount that does not exceed the amount that can reasonably be estimated to be paid under payment principles established under title XVIII of the Social Security Act [42 U.S.C. 1395; et seq.], reduced by the payment rates set for each such resident, for each such day, during the fiscal period.
  3. In addition to any payment made pursuant to a rate set under this chapter, and notwithstanding any other provision of this chapter, the department shall pay to each ~~governmental~~ government nursing facility an amount determined by:
    - a. Dividing that facility's total inpatient days for the fiscal period by the total inpatient days of all governmental nursing facilities for the fiscal period; and
    - b. Multiplying a decimal fraction determined under subdivision a times the pool amount determined under subsection 2.
  4. Each ~~governmental~~ government nursing facility, ~~immediately upon~~ within one business day of receiving a payment under subsection 3, shall remit the amount of that payment, less ~~at~~ ten ~~fifty~~ thousand dollar transaction fee, to the state treasurer for credit to:
    - a. The North Dakota health care trust fund in an amount equal to the federal medical assistance percentage for the fiscal period times the total remittance to the state treasurer, less ~~ten~~ fifty thousand dollars; and
    - b. The general fund for all remaining amounts. The amounts deposited in the general fund are to be considered the first moneys spent pursuant to legislative appropriations for medical assistance or medical assistance-related expenses.
  5. A government nursing facility is not entitled to receive transaction fees totaling more than fifty thousand dollars during any calendar year. Each government nursing facility shall use its transaction fee revenues for long-term care-related services.
  6. Notwithstanding any other provision of this code, or of any ordinance or code governing the operation of a ~~governmental~~ government nursing facility, a ~~governmental~~ government nursing facility is ~~authorized~~ entitled to receive and, upon receipt, is required to remit payments provided under this section.
  6. ~~7.~~ 7. No payment is required under this section for any period in which the funds otherwise appropriated under subdivision b of subsection ~~7~~ 8 are unavailable due to action by the secretary of the United States department of health and human services.
  7. ~~8.~~ 8. The department of human services, subject to legislative appropriation, may make the payments described in subsection 3 for the pool amount annually determined under subsection 2, as follows:
    - a. From special funds derived from federal funds and other income, the pool amount determined under subsection 2 reduced by the amount determined under subdivision b; and
    - b. From the general fund, the "state percentage" as that term is used in defining the term "federal medical assistance percentage" for purposes of title XIX of the Social Security Act [42 U.S.C. 1396; et

seq.], multiplied times the pool amount determined under subsection 2.

**SECTION 11. AMENDMENT.** Section 50-30-01 of the North Dakota Century Code is amended and reenacted as follows:

**50-30-01. (~~Effective through June 30, 2001 — See notes~~) Definitions.** For purposes of this chapter:

1. ~~"Alternative to nursing facility care" means services described in the home and community based services waiver for aged persons under medical assistance.~~
2. "Assisted living facility" has the meaning provided in section 50-24.5-01, but if the term is not defined in that section, the term means a facility that:
  - a. Makes response staff available at all times;
  - b. Provides housing and:
    - (1) Congregate meals;
    - (2) Kitchen facilities in each resident's living quarters; or
    - (3) Any combination of congregate meals and kitchen facilities in each resident's living quarters sufficient to assure each resident adequate access to meals;
  - c. Assures provision of:
    - (1) Personal care, therapeutic care, and social and recreational programming;
    - (2) Supervision, safety, and security;
    - (3) Medication services; and
    - (4) Transportation services;
  - d. Fosters dignity, respect, and independence by allowing, to the maximum extent feasible, each resident to determine the resident's service providers, routines of care provision, and service delivery; and
  - e. Services five or more adult residents, unrelated to the proprietor, on a specified premises not licensed under chapter 23-20 or 25-16, which meets the requirements of the national fire protection association 101 Life Safety Code, as applicable.
3. 2. "Basic care facility" has the meaning provided in section 23-09.3-01.
4. ~~"Conversion" means:~~
  - a. ~~The remodeling of existing space and, if necessary, the construction of additional space required to accommodate basic care facility services, assisted living facility services, or other alternatives to nursing facility care; or~~
  - b. ~~New construction of a basic care facility, assisted living facility, or other alternative to nursing facility care if existing nursing facility beds are no longer licensed and the department determines that new construction is more cost effective than the conversion of existing space.~~
5. 3. "Department" means the department of human services.
6. 4. "Medical assistance" means a program established under title XIX of the Social Security Act [42 U.S.C. 1396; et seq.] and chapter 50-24.1.
7. 5. "Nursing facility" has the same meaning as provided in section 50-24.4-01 for the term "nursing home".



**SECTION 12. AMENDMENT.** Section 50-30-02 of the North Dakota Century Code is amended and reenacted as follows:

**50-30-02. (~~Effective through June 30, 2001 — See notes~~) North Dakota health care trust fund created -Appropriation** Uses - Continuing appropriation. There is hereby created in the state treasury a special fund known as the North Dakota health care trust fund. ~~The fund shall include~~ consists of revenue received from ~~governmental~~ government nursing facilities for remittance to the fund under section 50-24.4-30. The department shall administer the fund and shall adopt procedures for participation by ~~governmental~~ government nursing facilities. ~~All moneys designated for the fund from whatever source derived must be deposited with the state treasurer in the North Dakota health care trust fund.~~ The state treasurer shall invest such funds in interest-bearing accounts, as designated by the department, and the interest earned must be deposited in the North Dakota health care trust fund. All moneys deposited in the North Dakota health care trust fund are available to the department, ~~subject to legislative appropriation, for disbursement pursuant to the requirements of this chapter.~~

1. Transfer to the long-term care facility loan fund, as authorized by legislative appropriation, for making loans pursuant to the requirements of this chapter.
2. Payment, as authorized by legislative appropriation, of costs of other programs authorized by the legislative assembly.
3. Repayment of federal funds, which are appropriated and may be spent if the United States department of health and human services determines that funds were inappropriately claimed under section 50-24.4-30.

**SECTION 13. AMENDMENT.** Section 50-30-04 of the North Dakota Century Code is amended and reenacted as follows:

**50-30-04. (~~Effective through June 30, 2001 — See notes~~) Department to award grants or make loan guarantees** Long-term care facility loans.

1. The department may ~~award grants from the nursing facility alternative grant fund or approve loans from the nursing long-term care facility alternative loan fund established under chapter 6-09.16 for~~ capital or one-time expenditures, including startup and training expenses and operating losses for the first year:
  - a. ~~To any Construction or renovation projects involving a nursing facility which has been approved for at least three years as a provider under the medical assistance program to convert all or a portion of the facility licensed to provide such care to a, basic care facility, or assisted living facility, or other alternative to nursing facility care; or~~
  - b. ~~To any other entity meeting conditions established by the department to develop a basic care facility, assisted living facility, or other alternative to nursing facility care.~~ Technology projects relating to the delivery of long-term care or medical care.
2. ~~A nursing facility or other entity may be eligible for a grant or loan only if the basic care facility, assisted living facility, or other alternative to nursing facility care is located in an underserved area as determined by the department.~~
3. ~~To be eligible for a grant or loan under this section, the nursing facility or other entity approved by the department shall provide at least twenty percent of the total cost of any conversion. The department shall establish policies and procedures for certification of the required matching funds. The department's share of the total cost of any conversion project is limited to one million dollars or ~~eighty~~ ninety percent of the project cost, whichever is less.~~
4. ~~The department shall annually establish a calendar for receiving and evaluating proposals and awarding grants or approving loans.~~
5. ~~No grant or loan application may be approved by the department unless the applicant can demonstrate that:~~

- a. ~~Conversion of the nursing facility or portion of the facility to a basic care facility, assisted living facility, or other alternative to nursing facility care may offer efficient and economical care to individuals requiring long term care services in the area;~~
  - b. ~~Basic care, assisted living services, or other alternatives to nursing facility care are unlikely to be available in the area for individuals eligible for services under the medical assistance program; and~~
  - e. ~~The resulting reduction in the availability of nursing facility service is not expected to cause undue hardship on those individuals requiring nursing facility services.~~
3. The department shall give preference for loan approval to an applicant that is converting nursing facility bed capacity to basic care bed capacity.
6. 4. No grant may be awarded or loan may be approved unless the applicant agrees:
- a. ~~To maintain a minimum occupancy rate by individuals eligible for supplemental security income benefits provided under title XVI of the Social Security Act [42 U.S.C. 1382, et seq.]; and~~
  - b. ~~To refund to repay to the nursing facility alternative grant fund or the nursing long-term care facility alternative loan fund, on an amortized basis, the amount outstanding balance of the grant or loan and any accrued interest if the applicant or its successor in interest ceases to operate a basic care facility, assisted living facility, or other alternative to nursing facility care the project or facility financed by the loan proceeds during the ten-year period after the date the applicant began operation of the project or facility as a basic care facility, assisted living facility, or other alternative to nursing facility care ceases to maintain the agreed minimum occupancy rate or fails to commence operations within a reasonable time.~~
7. 5. In addition to other remedies provided by law or contract, the department may deduct the amount of any refund due from a recipient of grant or a loan guarantee funds from any money owed by the department to such recipient or the recipient's successor in interest.

**SECTION 14. NURSING FACILITY ALTERNATIVE GRANT FUND - TRANSFER - GRANTS ADMINISTRATION.** The state treasurer shall transfer any remaining balance in the nursing facility alternative grant fund on June 30, 2001, to the health care trust fund. The department of human services may continue making grant payments relating to grants approved during the 1999-2001 biennium under the nursing facility alternative grant fund. The department may spend moneys in the health care trust fund pursuant to legislative appropriations for the purpose of making these grant payments, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 15. NURSING FACILITY ALTERNATIVE LOANS - 1999-2001 BIENNIUM - INTEREST RATE ADJUSTMENT.** The Bank of North Dakota and the department of human services shall adjust the rate of interest charged on nursing facility alternative loans approved during the biennium beginning July 1, 1999, and ending June 30, 2001, to a rate equivalent to two percent effective July 1, 2001, taking into consideration any grants approved in conjunction with the loan.

**SECTION 16. APPROPRIATION - GOVERNMENT NURSING FACILITY FUNDING POOL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds, to the department of human services for the purpose of making government nursing facility funding pool payments under section 50-24.4-30, for the biennium beginning July 1, 2001, and ending June 30, 2003.

Total all funds	\$26,700,000
Less estimated income	18,700,000
Total general fund appropriation	\$8,000,000

**SECTION 17. ADDITIONAL GOVERNMENT NURSING FACILITY FUNDING POOL PAYMENTS - CONTINUING APPROPRIATION - GENERAL FUND REPAYMENT.** Any estimated income in excess of the \$18,700,000 appropriated in section 16 of this Act which becomes available based on the calculation provided for in section 50-24.4-30 is appropriated and may be spent by the department of human services for the purpose of making the additional government nursing facility fund pool payments for the biennium beginning July 1, 2001, and ending June 30, 2003. Any additional state matching funds required are appropriated and may be spent from the general fund by the department of human services for the purpose of making the additional payments, for the biennium beginning July 1, 2001, and ending June 30, 2003. Any general fund amounts spent pursuant to this section must be returned to the general fund within two days.

**SECTION 18. APPROPRIATION - 1999-2001 BIENNIUM GOVERNMENT NURSING FACILITY TRANSACTION FEE.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$800,000, or so much of the sum as may be necessary, to the department of human services for the purpose of making an additional transaction fee payment to the government nursing facilities, for the period beginning with the effective date of this Act and ending June 30, 2001. Notwithstanding section 50-24.4-30, the department of human services shall make a transaction fee payment of \$400,000 to the government nursing facility in Dunseith and a transaction fee payment of \$400,000 to the government nursing facility in McVile by June 30, 2001. The additional payment relates to government facility funding pool payments made before the effective date of this Act. Each government nursing facility shall use its transaction fee revenue for long-term care-related services.

**SECTION 19. APPROPRIATION - LONG-TERM CARE FACILITY LOANS.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$35,000,000, or so much of the sum as may be necessary, to the department of human services for the purpose of making transfers to the long-term care facility loan fund for loans approved under chapter 50-30, for the biennium beginning July 1, 2001, and ending June 30, 2003. Of the amounts available in the health care trust fund for loans, the department of human services may not approve loans for technology projects that exceed an aggregate total of \$3,000,000, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 20. APPROPRIATION - NURSING HOME BED REDUCTION.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$4,100,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing incentives to nursing homes to reduce licensed nursing facility bed capacity for the biennium beginning July 1, 2001, and ending June 30, 2003. The department of human services may pay incentives of up to \$10,000 per bed to nursing facilities that reduce licensed nursing facility bed capacity by at least eight beds and incentives of up to \$2,500 per bed to nursing facilities that reduce licensed nursing facility bed capacity by fewer than eight beds.

**SECTION 21. APPROPRIATION - NURSING HOME COMPENSATION ENHANCEMENT.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$8,189,054, or so much of the sum as may be necessary, and from special funds derived from federal funds the sum of \$19,107,793, or so much of the sum as may be necessary, to the department of human services for the purpose of providing salary and benefit enhancements to nursing facility employees, or if a facility is combined with a hospital, to nursing facility and hospital employees, for the biennium beginning July 1, 2001, and ending June 30, 2003. The department of human services shall increase nursing facility payment rates to provide for these increases beginning July 1, 2001.

**SECTION 22. APPROPRIATION - BASIC CARE COMPENSATION ENHANCEMENT.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$202,080, or so much of the sum as may be necessary, and from special funds derived from federal funds the sum of \$471,520, or so much of the sum as may be necessary, to the department of human services for the purpose of providing salary and benefit enhancements to basic care facility employees, for the biennium beginning July 1, 2001, and ending June 30, 2003. The department of human services shall increase basic care facility payment rates to provide for these increases beginning July 1, 2001.

**SECTION 23. APPROPRIATION - NURSING HOME REBASING.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$1,165,303, or so much of the sum as may be necessary, and from special funds derived from federal funds, the sum of \$2,719,040, or so much of the sum as may be necessary, to the department of human services for the purpose of recognizing increased costs as a result of rebasing nursing facility limits based on cost reports for the year ending June 30, 2000, for the period beginning January 1, 2002, and ending June 30, 2003.

**SECTION 24. APPROPRIATION - PERSONAL CARE ALLOWANCE FOR NURSING FACILITY RESIDENTS.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$266,400, or so much of the sum as may be necessary, and from special funds derived from federal funds, the sum of \$621,600, or so much of the sum as may be necessary, to the department of human services for the purpose of increasing the personal care allowance for nursing home residents by \$10 per month, from \$40 to \$50 per month, for the period beginning January 1, 2002, and ending June 30, 2003.

**SECTION 25. APPROPRIATION - PERSONAL CARE ALLOWANCE FOR BASIC CARE RESIDENTS.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$180,000, or so much of the sum as may be necessary, to the department of human services for the purpose of increasing the personal care allowance for basic care residents by \$15 per month, from \$45 to \$60 per month, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 26. APPROPRIATION - LONG-TERM CARE NEEDS STUDY.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$241,006, or so much of the sum as may be necessary, to the department of human services for the purpose of conducting a statewide needs assessment study for long-term care, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 27. TRANSFER - NURSING FACILITY NURSES LOAN REPAYMENT FUND.** The office of management and budget shall transfer \$1,000,000 from the health care trust fund to the nursing facility nurses loan repayment fund on July 1, 2001.

**SECTION 28. APPROPRIATION - QUICK-RESPONSE UNIT SERVICE PILOT PROGRAM.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$225,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding the quick-response unit service pilot program, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 29. APPROPRIATION - TRAINING GRANTS.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$140,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing grants to organizations for training qualified service providers, for the biennium beginning July 1, 2001, and ending June 30, 2003. A qualified service provider means a county agency or independent contractor that agrees to meet standards for services and operations established by the department of human services for the provision of services to individuals receiving long-term care services in a home or community-based setting.

**SECTION 30. HEALTH CARE TRUST FUND - MINIMUM BALANCE REQUIRED.** Except for making payments under subsection 3 of section 50-30-02, the state treasurer may not allow expenditures or transfers from the health care trust fund that would reduce the unobligated balance in the fund below \$13,000,000 until the director of the department of human services certifies to the state treasurer that the federal health care financing administration's claim for the return of \$13,000,000 of the state's first-year payment has been resolved, for the period beginning with the effective date of this Act and ending June 30, 2003.

**SECTION 31. DEPARTMENT OF HUMAN SERVICES - EMERGENCY RULEMAKING AUTHORITY.** Notwithstanding subsection 6 of section 28-32-02, the department of human services may adopt interim final rules to implement this Act for the biennium beginning with the effective date of this Act and ending June 30, 2003. The department shall take appropriate measures to make the interim final rules known to

every person who may be affected by them. The interim final rules are ineffective one hundred eighty days after its declared effective date unless first adopted as final rules.

**SECTION 32. EXPIRATION DATE.** Section 7 of this Act is effective through July 31, 2003, and after that date is ineffective.

**SECTION 33. EMERGENCY.** Sections 18, 30, and 31 of this Act are declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1250: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1250 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1258: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1258 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1303: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1303 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 26.1-13 of the North Dakota Century Code, relating to county mutual insurance companies; and to"

Page 1, line 8, remove the overstrike over "~~residing in not more than~~", after "twenty" insert "thirty", and remove the overstrike over "~~counties in this state,~~"

Page 1, line 12, after the period insert "A county mutual insurance company organized under this chapter shall maintain a surplus of at least fifty thousand dollars."

Page 1, remove the overstrike over lines 20 through 23

Page 1, line 24, remove the overstrike over "~~merged company.~~" and insert immediately thereafter "Upon a showing of good cause, the territory of operations of the merged company may exceed thirty counties."

Page 2, after line 9, insert:

**"SECTION 3.** A new section to chapter 26.1-13 of the North Dakota Century Code is created and enacted as follows:

County mutual insurance company - Reports to commissioner. Each county mutual insurance company shall file an annual report with the commissioner no later than March first of each year which must be verified by at least two principal officers of the company and which must cover the preceding calendar year. The commissioner may require additional reports as are deemed necessary and appropriate to enable the commissioner to carry out the commissioner's duties under this chapter. The reports must be on forms prescribed by the commissioner. The commissioner may also require a company that operates in more than twenty counties to file audited financial statements as deemed necessary."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1307: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1307 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2002" with "2003"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1321: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "November" with "December"

Page 3, line 17, replace "November" with "December"

Page 3, line 23, replace "\$800,000" with "\$450,000"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1353: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1353 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1354: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1354 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1359: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1359 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1361: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1361 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1365: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1365 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1373: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1373 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1385: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "~~If~~" and insert immediately thereafter "the department proposes to place" and remove the overstrike over "~~a child~~"

Page 1, line 9, remove the overstrike over "~~in an out of home treatment program established under this section,~~" and insert immediately thereafter "without the consent of the child's parent or legal guardian," and remove the overstrike over "~~the juvenile court~~"

Page 1, line 10, remove the overstrike over "~~must make a judicial determination as to whether the~~" and insert immediately thereafter "proposed" and remove the overstrike over "~~placement is in the best interests of the~~"

Page 1, line 11, remove the overstrike over "~~child.~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1389: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1389 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1427: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1427 was placed on the Sixth order on the calendar.

Page 1, line 10, after "pay" insert "or waive"

Page 1, line 19, after "not" insert "knowingly"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1437: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1437 was placed on the Sixth order on the calendar.

Page 1, line 2, after "silence" insert ", the recitation of prayers, and the pledge of allegiance"

Page 1, line 6, after "**silence**" insert "- Recitation of prayer - Pledge of allegiance"

Page 1, line 8, overstrike "A" and insert immediately thereafter "In addition, the"

Page 1, line 10, replace "the Lord's" with "a" and after "prayer" insert "by a teacher or student"

Page 1, line 11, after "board" insert "or the teacher"

Page 1, line 12, replace ". The exercises must be conducted in a manner" with ", rather" and replace "allows" with "the exercises allow"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1449: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1449 was placed on the Sixth order on the calendar.

Page 1, line 2, after "program" insert "; and to provide an effective date"

Page 1, after line 11, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 2002."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1466: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1466 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 57-15-17"

Page 1, line 7, remove the overstrike over "4-", remove the overstrike over "shall", and remove "may by unanimous vote"

Page 1, line 9, remove the overstrike over ", when"

Page 1, line 10, remove the overstrike over "authorized to do so by", after "percent" insert "a majority", and remove the overstrike over "of the qualified electors voting upon the"

Page 1, line 11, remove the overstrike over "question at a regular or special election in any school district"

Page 2, remove the overstrike over lines 21 through 27

Page 2, line 28, remove the overstrike over "~~that upon a favorable vote of~~", after "percent" insert "a majority", and remove the overstrike over "~~of the qualified electors residing in any~~"

Page 2, remove the overstrike over lines 29 and 30

Page 2, line 31, remove the overstrike over "~~obligations incurred.~~"

Page 3, remove lines 3 through 30

Page 4, remove lines 1 through 23

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3009: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HCR 3009 was placed on the Eleventh order on the calendar.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2101.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3003.

#### SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3003

Page 1, after line 14, insert:

"**BE IT FURTHER RESOLVED**, that the Legislative Council take into consideration subdistricts for the House of Representatives in proposals brought to the Legislative Assembly; and"

Renumber accordingly

#### 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 2045, SB 2097, SB 2174, SCR 4013.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1053, HB 1060, HB 1199, HB 1206, HB 1240, HB 1392, HB 1424.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1209, HB 1415.

#### MOTION

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

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, February 2, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**