

**JOURNAL OF THE HOUSE**

**Fifty-seventh Legislative Assembly**

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**Bismarck, February 21, 2001**

The House convened at 12:30 p.m., with Speaker Bernstein presiding.

The prayer was offered by Chaplain Colleen Ressler, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present.

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 Journals of the Thirtieth Day and Thirty-first Day and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 621, replace line 8 with:

"Page 5, line 5, after "**nurses**" insert "**student**" and replace "**repayment**" with "**payment**"

Page 621, line 9, after "student" insert "and replace "repayment" with "payment"

Page 621, line 11, after "with" insert ""payment""

Page 621, line 12, replace "repayment" with "**repayment**" and after "with" insert ""**payment**""

Page 621, line 13, after "with" insert ""payment""

Page 621, line 14, after "with" insert ""payment""

Page 621, replace line 29 with:

"Page 6, line 7, after "**nurses**" insert "**student**", replace "**repayment**" with "**payment**", and remove "**- Continuing appropriation**"

Page 621, line 30, after "with" insert ""payment""

Page 621, line 33, after ""repayment"" insert "with "payment""

Page 643, remove line 53

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

**ANNOUNCEMENT REGARDING COMPENSATION FOR LEGISLATIVE EMPLOYEES**

Monday, January 15, 2001, was Martin Luther King Day and Monday, February 19, 2001, was George Washington's birthday, both official state holidays. Although both days were paid holidays for most state employees, Legislative Assembly employees were required to work on both days. The Legislative Assembly will be in recess on Monday and Tuesday, February 26-27, 2001. Legislative Assembly employees will be paid for those two days in lieu of the two holidays.

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1045 HB 1074, HB 1182, HB 1252, HB 1287, HB 1319, HB 1344, HB 1377, HB 1399, HB 1435, HB 1442, HCR 3035, and HCR 3042 be adopted, which motion prevailed.

HB 1045 HB 1074, HB 1182, HB 1252, HB 1287, HB 1319, HB 1344, HB 1377, HB 1399, HB 1435, HB 1442, HCR 3035, and HCR 3042, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. BELTER MOVED** to suspend the rules and all committees report bills to the Floor by the end of today's business.

**MOTION**

**REP. BELTER MOVED** HCR 3035 and HCR 3042 to today's consent calendar, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT  
CALENDAR**

**HCR 3051:** A concurrent resolution directing the Legislative Council to study the impact a constitutional guarantee of the right to individual privacy would have on state laws.

**HCR 3035:** A concurrent resolution urging Congress to support efforts to prohibit meatpackers from owning, feeding, or controlling livestock for more than 14 days before slaughter and to amend the federal Packers and Stockyards Act to accomplish this goal.

**HCR 3042:** A concurrent resolution urging Congress to ensure the economic viability and competitiveness of American farmers by adopting legislation that would grant states the authority to issue state registrations to parties who wish to import Canadian crop protection products that are identical or substantially similar to products registered with the Environmental Protection Agency for use in the United States.

The question being on the final adoption of the resolutions, which have been read.

HCR 3035, HCR 3042, and HCR 3051 passed on a voice vote, and the titles were agreed to.

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**MOTION**

**REP. WEISZ MOVED** that HCR 3052 be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Weisz's motion, HCR 3052 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1410:** A BILL for an Act to provide for a study of extraterritorial zoning.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Byerly; Carlson; Delzer; Grosz; Kasper; Keiser; Price; Skarphol; Wrangham

Engrossed HB 1410 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1065:** A BILL for an Act to create and enact section 57-38-08.1 of the North Dakota Century Code, relating to the allocation and apportionment of partnership income for income tax purposes; to amend and reenact subsections 4, 5, and 6 of section 57-38-04 and section 57-38-08 of the North Dakota Century Code, relating to the allocation and apportionment of an individual's gross income and the distribution of partnership income for income tax purposes; to repeal section 57-38-10 of the North Dakota Century Code, relating to allocation and apportionment of partnership income for income tax purposes; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1065 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1196:** A BILL for an Act to create and enact a new subsection to section 21-10-06 and a new chapter to title 43 of the North Dakota Century Code, relating to funds under the management of the state investment board and the nursing facility nurses student loan payment 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, 23-16-01.1, 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 moratorium on the expansion of long-term 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 a statement of legislative intent; to provide for a legislative council study; to provide an appropriation; to provide a continuing appropriation; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1196 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1215:** A BILL for an Act providing an appropriation to the adjutant general's office for maintenance and repair of political subdivision-owned armories.

**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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gulleston; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Kasper

Engrossed HB 1215 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1261:** A BILL for an Act to amend and reenact sections 39-04-21, 39-06.1-08, and paragraph 2 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the temporary registration of motor vehicles; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; DeKrey; Delmore; Disrud; Dosch; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glasheim; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Schmidt; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**NAYS:** Bellew; Carlson; Cleary; Delzer; Devlin; Ekstrom; Grande; Kasper; Klein, F.; Lemieux; Lloyd; Onstad; Price; Sandvig; Severson; Solberg; Thorpe; Timm; Wrangham

Engrossed HB 1261 passed and the title was agreed to.

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### MOTION

**REP. BELTER MOVED** to suspend rule 329 and not rerefer HB 1261 to the Appropriation Committee, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1272:** A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis licenses to hunt deer.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 59 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Froelich; Froseth; Galvin; Grumbo; Gulleston; Gunter; Haas; Herbel; Hunskor; Jensen; Johnson, D.; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Kretschmar; Lemieux; Lloyd; Mahoney; Maragos; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Onstad; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Skarphol; Svedjan; Thorpe; Tieman; Warner; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Bellew; Boucher; Byerly; Carlisle; Carlson; Clark; Cleary; Delzer; Eckre; Ekstrom; Fairfield; Glasheim; Grande; Grosz; Hanson; Hawken; Huether; Johnson, N.; Kasper; Keiser; Kelsh, S.; Klein, M.; Koppang; Koppelman; Kroeber; Martinson; Meier; Monson; Nottestad; Pietsch; Price; Severson; Solberg; Thoreson, B.; Thoreson, L.; Timm; Wald; Weiler; Winrich

Engrossed HB 1272 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1283:** A BILL for an Act to provide for a student loan interest rate buydown program for employees in technology occupations.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; 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.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**NAYS:** Bellew; Brusegaard; Carlson; Delzer; Devlin; Grande; Kasper; Klein, M.; Lloyd; Nelson; Ruby; Severson; Wald; Wrangham

Engrossed HB 1283 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1305:** A BILL for an Act to amend and reenact section 53-06.1-07.2 of the North Dakota Century Code, relating to conduct of poker under the games of chance laws.

#### 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 64 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Klein, F.; Klein, M.; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pollert; Porter; Price; Renner; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Bellew; Belter; Berg; Byerly; Carlson; Clark; Delzer; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Hunskor; Kasper; Keiser; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Lloyd; Mahoney; Niemeier; Pietsch; Rennerfeldt; Ruby; Skarphol; Thoreson, B.; Thorpe; Warner; Wentz

Engrossed HB 1305 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1306:** A BILL for an Act to amend and reenact section 53-06.1-10 and subsection 5 of section 53-06.1-11 of the North Dakota Century Code, relating to the limit on wagers in the game twenty-one and rent limits under the games of chance laws.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Boucher; Brandenburg; Brekke; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Galvin; Grosz; Grumbo; Gullerson; Gunter; Haas;

Hawken; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Klein, F.; Klein, M.; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pollert; Porter; Price; Renner; Sandvig; Schmidt; Severson; Solberg; Thoreson, L.; Tieman; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Bellew; Belter; Berg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Delzer; Fairfield; Froelich; Froseth; Glassheim; Grande; Hanson; Herbel; Hunskor; Kasper; Keiser; Kerzman; Kingsbury; Klemin; Koppelman; Lloyd; Niemeier; Pietsch; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson, B.; Thorpe; Timm; Wentz

Engrossed HB 1306 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1416:** A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-11 of the North Dakota Century Code, relating to allowable expenses for games of chance.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pollert; Porter; Price; Renner; Ruby; Sandvig; Schmidt; Severson; Solberg; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Bellew; Belter; Carlson; DeKrey; Delzer; Glassheim; Grande; Kasper; Keiser; Klemin; Lloyd; Niemeier; Pietsch; Rennerfeldt; Skarphol; Svedjan; Thorpe; Warner; Weisz; Wentz

Engrossed HB 1416 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1371:** A BILL for an Act to amend and reenact section 15-34.1-01 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-20-01 of the North Dakota Century Code, relating to the compulsory attendance of students.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Devlin; Grande; Klein, M.; Monson; Pietsch; Severson; Thoreson, B.

**ABSENT AND NOT VOTING:** Wrangham

Engrossed HB 1371 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1384:** A BILL for an Act to create and enact two new sections to chapter 15.1-12 of the North Dakota Century Code, relating to approval criteria for school district reorganizations; and to amend and reenact subsection 2 of section 15.1-12-10 of the North Dakota Century Code, relating to school district reorganization plan requirements.

**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 48 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Delmore; Disrud; Dosch; Glassheim; Grande; Grosz; Haas; Hawken; Herbel; Huether; Jensen; Johnson, N.; Kasper; Kelsch, R.; Kelsch, S.; Klein, F.; Klemin; Kliniske; Koppelman; Lloyd; Martinson; Meier; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Weiler; Winrich

**NAYS:** Aarsvold; Boucher; Brekke; Cleary; DeKrey; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grumbo; Gullerson; Gunter; Hanson; Hunskor; Johnson, D.; Keiser; Kempenich; Kerzman; Kingsbury; Klein, M.; Koppang; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Onstad; Sandvig; Schmidt; Severson; Solberg; Thorpe; Warner; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Wald

Engrossed HB 1384 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1033:** A BILL for an Act to amend and reenact section 51-08.1-06 of the North Dakota Century Code, relating to an investigation of an antitrust violation.

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

**YEAS:** Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brekke; Cleary; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Tieman; Warner; Weiler; Weisz; Wentz; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Bellew; Berg; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Grande; Johnson, N.; Kasper; Keiser; Klein, F.; Klemin; Kretschmar; Lloyd; Porter; Severson; Skarphol; Thoreson, B.; Thoreson, L.; Timm; Wald; Wikenheiser

HB 1033 passed and the title was agreed to.

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**MOTION**

**REP. BELTER MOVED** that HB 1344 and HB 1045 be moved to the top of the Eleventh order, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1344:** A BILL for an Act to create and enact three new sections to chapter 15-40.1 of the North Dakota Century Code or in the alternative to create and enact three new sections to chapter 15.1-27 of the North Dakota Century Code, relating to the reimbursement of school districts for increases in teacher compensation; and to amend and reenact subdivision a of subsection 2 of section 15-40.1-06 of the North Dakota Century Code

or in the alternative to amend and reenact section 15.1-27-04 of the North Dakota Century Code, relating to per student payments.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**NAYS:** Berg; Carlson; Delzer; Drovdal; Glassheim; Grande; Grosz; Kempenich; Wrangham

Engrossed HB 1344 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1045:** A BILL for an Act to create and enact chapters 15.1-13, 15.1-14, 15.1-15, 15.1-16, 15.1-17, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-23, 15.1-27, 15.1-28, 15.1-29, 15.1-30, 15.1-31, 15.1-32, 15.1-33, 15.1-34, 15.1-35, and 15.1-36 of the North Dakota Century Code, relating to elementary and secondary education; to repeal chapters 15-21.1, 15-29, 15-34.1, 15-34.2, 15-35, 15-36, 15-37, 15-38, 15-38.1, 15-38.2, 15-40.1, 15-40.2, 15-40.3, 15-41, 15-43, 15-44, 15-45, 15-47, 15-54, 15-59, 15-59.2, 15-59.3, and 15-60 of the North Dakota Century Code, relating to elementary and secondary education provisions addressed in the creation of North Dakota Century Code title 15.1; to provide a penalty; and to provide a continuing appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; 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; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

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

Engrossed HB 1045 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1046:** A BILL for an Act to create and enact two new sections to chapter 15-10, a new section to chapter 15.1-09, and a new section to chapter 15.1-19 of the North Dakota Century Code, relating to oaths by faculty members, vehicle and heating fuel purchases, and student usage of alcohol or controlled substances; to amend and reenact subsection 1 of section 6-09.4-23, sections 15-19-01, 15-19-04, 15.1-06-01, 15.1-07-02, 15.1-07-03, 15.1-07-17, and 15.1-08-06, subsection 2 of section 15.1-09-01, subsection 4 of section 15.1-09-05, sections 15.1-09-25, 15.1-09-26, 15.1-09-31, 15.1-09-34, and 15.1-09-50, subsection 9 of section 15.1-12-10, section 15.1-19-09, subsection 7 of section 21-03-07, sections 21-06-12, 25-01.2-13, 34-07-02, and 34-07-15, subsection 5 of section 50-11.1-02, subsection 1 of section 54-07-01.2,



sections 54-23.2-04.2, 57-15-14, 57-15-14.2, 57-15-55.1, 57-16-04, and 57-51.1-08, and subsection 1 of section 57-62-02 of the North Dakota Century Code, relating to evidences of indebtedness, correspondence courses, school admission, school district petitions, school district contracts, military installation school districts, school board member oaths, school board size, school board minutes, fuel purchases, school board powers, reorganization, bond issuances, labor by minors, early childhood services, boards and commissions, vital records, educational foundations, special education, mill levies, education funding, and the coal development trust fund; and to repeal sections 15.1-07-22 and 15.1-09-37 of the North Dakota Century Code, relating to oaths of school district business managers and fees.

#### 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; 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; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Winrich

**ABSENT AND NOT VOTING:** Boucher; Huether

HB 1046 passed and the title was agreed to.

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#### MOTION

**REP. BELTER MOVED** that HB 1287 be moved to the head of the Eleventh order, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1287:** A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to the presence of pesticides in agricultural products; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Brekke; Brusegaard; Carlson; Clark; Cleary; Delmore; 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; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Boehm; Byerly; Carlisle; DeKrey; Delzer; Price; Thoreson, L.; Timm; Weisz

Engrossed HB 1287 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1286:** A BILL for an Act to provide for agricultural product inspections; 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 2 YEAS, 94 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Gunter; Haas

**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; Glassheim; Grande; Grosz; Grumbo; Gulleson; Hanson; Hawken; 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.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Herbel; Thorpe

HB 1286 lost.

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**MOTION**

**REP. BELTER MOVED** that HB 1434 and HB 1445 be placed at the top of the Eleventh order, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1434:** A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to chemical residues in food.

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

**YEAS:** Aarsvold; Boucher; Cleary; Fairfield; Froelich; Glassheim; Gulleson; Kerzman; Lemieux; Niemeier; Onstad; Thorpe; Warner; Winrich

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

HB 1434 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1445:** A BILL for an Act to create and enact a new section to chapter 19-18 of the North Dakota Century Code, relating to the chemical and rebate equity fund; to amend and reenact sections 19-18-02.2 and 19-18-04 of the North Dakota Century Code, relating to pesticide registration fees; and to provide a continuing 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 27 YEAS, 71 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grumbo; Gulleson; Huether; Hunskor; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Maragos; Metcalf; Mueller; Niemeier; Onstad; Schmidt; Solberg; Thorpe; Warner; Winrich

**NAYS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Galvin; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Herbel; Jensen; 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; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

HB 1445 lost.

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### SECOND READING OF HOUSE BILL

**HB 1313:** 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 the waiver of student-teaching requirements for licensed 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 14 YEAS, 83 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Brandenburg; Carlson; DeKrey; Delzer; Devlin; Grande; Kasper; Koppelman; Ruby; Severson; Thoreson, B.; Wald; Weisz; Wrangham

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Delmore; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; 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; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Skarphol; Svedjan; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**ABSENT AND NOT VOTING:** Solberg

HB 1313 lost.

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### SECOND READING OF HOUSE BILL

**HB 1324:** A BILL for an Act to amend and reenact sections 51-07-01, 51-07-01.1, 51-07-02, and 51-07-03 of the North Dakota Century Code, relating to the relationship between semitrailer wholesalers and retailers.

### 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

HB 1324 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1417:** A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to a loan program and the issuance of revenue bonds or other evidences of indebtedness by the industrial commission of North Dakota for the establishment of meatpacking plants.

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

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grumbo; Gulleston; 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.; Klemmin; 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; Speaker Bernstein

**NAYS:** Bellew; Brusegaard; Byerly; Carlson; Delzer; Grosz; Thoreson, L.; Wald

HB 1417 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1421:** A BILL for an Act to amend and reenact section 4-28-07 of the North Dakota Century Code, relating to the collection of the wheat tax levy.

### 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 26 YEAS, 72 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Cleary; Delzer; Drovdal; Froelich; Glassheim; Gulleston; Hanson; Herbel; Huether; Hunskor; Kempenich; Kerzman; Klein, F.; Kretschmar; Kroeber; Lemieux; Onstad; Porter; Ruby; Sandvig; Schmidt; Thorpe; Warner; Winrich; Wrangham

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Disrud; Dosch; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemmin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Speaker Bernstein

HB 1421 lost.

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### SECOND READING OF HOUSE BILL

**HB 1430:** A BILL for an Act to amend and reenact subsection 1 of section 10-06.1-09 and sections 10-06.1-12 and 10-06.1-19 of the North Dakota Century Code, relating to corporations in farming and ranching.

**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 18 YEAS, 79 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Brusegaard; Byerly; Carlson; Dosch; Grande; Grosz; Haas; Hawken; Kasper; Keiser; Klein, M.; Lemieux; Lloyd; Porter; Ruby; Solberg; Thoreson, L.; Timm

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grumbo; Gullerson; Gunter; Hanson; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Svedjan; Thoreson, B.; Thorpe; Tieman; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Wald

HB 1430 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1461:** A BILL for an Act to repeal chapter 54-35.2 and section 54-40.3-03 of the North Dakota Century Code, relating to the advisory commission on intergovernmental relations and the filing of joint powers agreements.

**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 30 YEAS, 68 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Belter; Boehm; Brandenburg; Brusegaard; Byerly; Carlson; Delzer; Devlin; Dosch; Drovdal; Galvin; Grande; Haas; Kasper; Klein, F.; Klein, M.; Lemieux; Lloyd; Meier; Nelson; Pietsch; Porter; Price; Renner; Ruby; Svedjan; Thoreson, B.; Timm; Wald; Weisz

**NAYS:** Aarsvold; Bellew; Berg; Boucher; Brekke; Carlisle; Clark; Cleary; DeKrey; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Metcalf; Monson; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Pollert; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Thoreson, L.; Thorpe; Tieman; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

HB 1461 lost.

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**REQUEST**

**REP. SOLBERG REQUESTED** that the Journal show he intended to vote Nay on HB 1430.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3025:** A concurrent resolution directing the Legislative Council to study safety issues related to cell phones and driving.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3025 was declared lost on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3038:** A concurrent resolution urging the Industrial Commission and the Lignite Energy Council to promote the location of any new lignite-fired electricity generating facility constructed in North Dakota at or near the Gascoyne mine.

**ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 34 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; DeKrey; Drovdal; Froelich; Froseth; Gunter; Haas; Herbel; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Koppang; Kretschmar; Nelson; Nicholas; Nottestad; Porter; Price; Renner; Rennerfeldt; Schmidt; Wald; Weisz; Speaker Bernstein

**NAYS:** Bellew; Belter; Boucher; Byerly; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Fairfield; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, N.; Kasper; Keiser; Klein, M.; Klemin; Kliniske; Koppelman; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Niemeier; Onstad; Pietsch; Pollert; Ruby; Sandvig; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Disrud

HCR 3038 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3040:** A concurrent resolution urging the Federal Reserve Board to complete and make available to the public an analysis regarding the effects of its policy of promotion of the high-valued United States dollar and the impact that policy has had on United States producers and the prices received in the international marketplace for commodities produced in this country.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3040 was declared lost on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1034:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to a revolving fund for the investigation of antitrust violations; 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 43 YEAS, 54 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; DeKrey; Delmore; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Kelsh, S.; Kerzman; Kingsbury; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Metcalf; Mueller; Nelson; Niemeier; Onstad; Pollert; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich; Wrangham

**NAYS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Froseth; Galvin; Grande; Grosz; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Martinson; Meier; Monson; Nicholas; Nottestad; Pietsch; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Speaker Bernstein

**ABSENT AND NOT VOTING:** Disrud

HB 1034 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1270:** A BILL for an Act to provide for an interstate compact for adult offender supervision; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Disrud; Wentz

HB 1270 passed and the title was agreed to.

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**MOTION**

**REP. BELTER MOVED** that HB 1182, HB 1319, HB 1344, HB 1074, HB 1252, HB 1377, HB 1435, and HB 1442 be moved to the bottom of the Eleventh order, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1182:** A BILL for an Act to amend and reenact section 49-21-01.1 of the North Dakota Century Code, relating to the definition of telecommunications service for purposes of telecommunications regulation.

**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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; 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; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Keiser

**ABSENT AND NOT VOTING:** Delzer

Reengrossed HB 1182 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1319:** A BILL for an Act to amend and reenact paragraphs 1 and 2 of subdivision a of subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation coverage for corporations and limited liability companies.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Severson

Reengrossed HB 1319 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1074:** A BILL for an Act to provide for the transfer of certain mineral interests to the lands and minerals trust fund.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Reengrossed HB 1074 passed and the title was agreed to.

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### MOTION

**REP. BELTER MOVED** that HB 1442 be placed at the top of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1442:** A BILL for an Act relating to the sampling of genetically modified crops; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; 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; 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; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Bellew; DeKrey; Price; Weisz



Engrossed HB 1442 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1252:** A BILL for an Act to create and enact a new subsection to section 44-06-13.1 of the North Dakota Century Code, relating to signatures on notarial certificates; and to amend and reenact section 47-19-03 of the North Dakota Century Code, relating to documents entitled to recording.

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; 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.; Klemm; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Delmore; Weiler

Engrossed HB 1252 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1377:** A BILL for an Act to create and enact a new section to chapter 43-05 of the North Dakota Century Code, relating to the authority of the board of podiatric medicine to borrow funds from the Bank of North Dakota; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemm; 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.; Thoreson, L.; Tieman; Timm; Warner; Weiler; Weisz; Wikenheiser; Winrich; Speaker Bernstein

**NAYS:** Carlson; Cleary; Delzer; Froseth; Kasper; Kempenich; Klein, F.; Thorpe; Wald; Wrangham

**ABSENT AND NOT VOTING:** Wentz

Engrossed HB 1377 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1435:** A BILL for an Act to provide for a prohibition on discrimination and preferential treatment by the state.

**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 71 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** 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; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Froelich; Glassheim; Grumbo; Guleson; Hanson; Huether; Hunskor; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1435 passed and the title was agreed to.

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**REPORT OF STANDING COMMITTEE**

**HB 1003: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to require the state fire marshal to inspect buildings as requested by a political subdivision;"

Page 1, line 2, remove the first "and" and replace "section" with "sections 53-06.1-12 and"

Page 1, line 3, after "to" insert "gaming and excise tax collections and" and after "general" insert "; and to declare an emergency"

Page 1, line 10, replace "14,847,334" with "14,841,235"

Page 1, line 12, replace "428,876" with "399,876"

Page 1, line 13, replace "5,524,989" with "5,734,398"

Page 1, line 15, replace "238,814" with "297,112"

Page 1, line 21, replace "31,909,515" with "32,142,123"

Page 1, line 22, replace "16,979,504" with "17,751,371"

Page 1, line 23, replace "14,930,011" with "14,390,752"

Page 2, line 15, after the first period insert "**ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION FUND -**"

Page 2, line 16, replace "\$419,591" with "\$629,000"

Page 2, replace lines 17 through 20 with:

**"SECTION 6. PETROLEUM RELEASE COMPENSATION FUND - FEES.** The attorney general shall charge and collect fees for services provided by the state fire marshal program to entities covered by the petroleum release compensation fund under chapter 23-37 of up to a total of \$35,000 for the biennium beginning July 1, 2001, and ending June 30, 2003. All fees collected under this section must be deposited in the attorney general's operating fund.

**SECTION 7. STATE FIRE MARSHAL - BUILDING INSPECTIONS AS REQUESTED BY POLITICAL SUBDIVISIONS - FEES.** The state fire marshal shall conduct, upon request of a political subdivision, an inspection of a publicly or privately

owned building and shall charge a fee for the cost of providing this service for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 8. ATTORNEY GENERAL REFUND FUND - EXCEPTION - ESTIMATED INCOME.** Notwithstanding section 54-12-18, the attorney general may retain \$100,000 in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2001. The estimated income line item in section 1 of this Act includes \$100,000 from the attorney general refund fund for the purpose of defraying the expenses of the consumer protection division for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 9. ESTIMATED INCOME - RACING PROMOTION, PURSE, AND BREEDERS' FUNDS.** Notwithstanding section 53-06.2-11, the estimated income line item in section 1 of this Act includes \$297,112 from the racing promotion fund, purse fund, and breeders' fund for the purpose of defraying the administrative and operating costs of the racing commission for the biennium beginning July 1, 2001, and ending June 30, 2003. The racing commission shall determine the allocation from each fund based on the proportion of the resources available in each fund.

**SECTION 10. LEGISLATIVE INTENT - CLANDESTINE LABORATORY CLEANUP - EMERGENCY COMMISSION REQUEST.** It is the intent of the legislative assembly that the attorney general request emergency commission approval for funding from the state contingencies appropriation if additional funding is needed for defraying the cleanup costs of clandestine laboratories and if federal funds are not available for this purpose for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 11. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$197,714, or so much of the sum as may be necessary, to the attorney general for the purpose of providing local gaming enforcement grants, for the period beginning with the effective date of this section, and ending June 30, 2001."

Page 2, after line 28, insert:

**"SECTION 14. AMENDMENT.** Section 53-06.1-12 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-12. Gaming and excise taxes - Deposits and allocations.**

1. A gaming tax is imposed on the total adjusted gross proceeds earned by a licensed organization in a quarter and it must be computed and paid to the attorney general on a quarterly basis on the tax return. This tax must be paid from adjusted gross proceeds and is not part of the allowable expenses. The tax rates are:
  - a. On adjusted gross proceeds not exceeding two hundred thousand dollars, a tax of five percent.
  - b. On adjusted gross proceeds exceeding two hundred thousand dollars but not exceeding four hundred thousand dollars, a tax of ten percent.
  - c. On adjusted gross proceeds exceeding four hundred thousand dollars but not exceeding six hundred thousand dollars, a tax of fifteen percent.
  - d. On adjusted gross proceeds exceeding six hundred thousand dollars, a tax of twenty percent.
2. In addition to any other tax provided by law and in place of sales or use taxes, there is imposed an excise tax of four and one-half percent on the gross proceeds from the sale at retail of pull tabs to a final user. This includes pull tabs provided to a player in exchange for redeemed winning pull tabs. The tax must be paid to the attorney general when tax returns are filed.
3. ~~The~~ Except as provided in subsection 4, the state treasurer shall deposit gaming and excise taxes, monetary fines, and interest and penalties collected in the general fund in the state treasury.

4. The state treasurer shall deposit three percent of the total taxes collected under this section into a gaming and excise tax allocation fund. Pursuant to legislative appropriation, moneys in the fund must be distributed quarterly to cities and counties in proportion to the taxes collected under this section from licensed organizations conducting games of chance within each city, for sites within city limits, or within each county, for sites outside city limits. If a city or county allocation under this subsection is less than two hundred dollars, that city or county is not entitled to receive a payment for the quarter and the undistributed amount must be included in the total amount to be distributed to other cities and counties for the quarter."

Page 3, after line 5, insert:

**"SECTION 16. EMERGENCY.** Sections 8 and 11 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1003 - Attorney General - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$14,847,334	(\$6,099)	\$14,841,235
Operating expenses	5,882,969		5,882,969
Equipment	428,876	(29,000)	399,876
Grants	5,524,989	209,409	5,734,398
Litigation fees	50,000		50,000
Racing Commission	238,814	58,298	297,112
National Criminal History Improvement Project	2,358,720		2,358,720
Arrest and return of fugitives	10,000		10,000
Gaming Commission	5,109		5,109
Law enforcement programs	631,056		631,056
High-intensity drug trafficking area	1,931,648		1,931,648
<b>Total all funds</b>	<b>\$31,909,515</b>	<b>\$232,608</b>	<b>\$32,142,123</b>
Less estimated income	16,979,504	771,867	17,751,371
General fund	\$14,930,011	(\$539,259)	\$14,390,752
FTE	158.50	0.00	158.50

**Dept. 125 - Attorney General - Detail of House Changes**

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	RACING COMMISSION ADJUSTMENTS <sup>2</sup>	REDUCE EQUIPMENT <sup>3</sup>	FEDERAL FUNDING REDUCTIONS <sup>4</sup>	USE OF REFUND FUND <sup>5</sup>	GAMING ENFORCEMENT GRANTS <sup>6</sup>
Salaries and wages	(\$6,099)					
Operating expenses						
Equipment			(\$29,000)			
Grants						\$209,409
Litigation fees						
Racing Commission	1,754	\$56,544				
National Criminal History Improvement Project						
Arrest and return of fugitives						
Gaming Commission						
Law enforcement programs						
High-intensity drug trafficking area						
<b>Total all funds</b>	<b>(\$4,345)</b>	<b>\$56,544</b>	<b>(\$29,000)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$209,409</b>
Less estimated income		297,112		(254,245)	100,000	629,000
General fund	(\$4,345)	(\$240,568)	(\$29,000)	\$254,245	(\$100,000)	(\$419,591)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**TOTAL HOUSE CHANGES**

Salaries and wages	(\$6,099)
Operating expenses	
Equipment	(29,000)
Grants	209,409
Litigation fees	
Racing Commission	58,298
National Criminal History Improvement Project	
Arrest and return of fugitives	
Gaming Commission	
Law enforcement programs	
High-intensity drug trafficking area	
<b>Total all funds</b>	<b>\$232,608</b>

Less estimated income	<u>771,867</u>
General fund	(\$539,259)
FTE	0.00

- 1 This amendment reduces, from \$9,833 to \$3,734, the amount provided for a market equity salary increase for the Attorney General. The amount included in the bill will provide for a monthly increase of \$177.67 and related fringe benefits for the last 18 months of the biennium. In addition, funding for the racing commissioner's market equity salary increase is increased, from \$7,007 to \$8,761, to provide a monthly increase of \$416.83 and related fringe benefits for the last 18 months of the biennium.
- 2 Funding for the Racing Commission is increased by \$56,544 to provide additional funding for operating costs. In addition, a funding source change is made removing the general fund support and providing the funding from the racing promotion fund, purse fund, and breeders' fund based on the proportion of the resources available in each fund.
- 3 Equipment funding is reduced to reflect lower computer replacement costs.
- 4 Federal funding is reduced and general fund support is increased relating to the Uniform Crime Reporting (UCR) research analyst position (\$86,055) and for 1.5 FTE information technology positions required to maintain the law enforcement system (National Criminal History Improvement Project) on a 24-hour basis (\$168,190).
- 5 General fund support is reduced and funding is provided from the Attorney General refund fund for a portion of the costs of the Consumer Protection Division. Provisions are added allowing the Attorney General to retain these funds in the refund fund and not transfer them to the general fund on June 30, 2001. This amount was not included in the general fund revenue forecast; therefore, estimated general fund revenues are not affected.
- 6 Funding for local gaming enforcement grants is increased by \$209,409 to \$629,000. Funding for these grants is changed from the general fund to the gaming and excise tax allocation fund. A section is added amending North Dakota Century Code Section 53-06.1-12 to provide that three percent of gaming tax collections be deposited in the gaming and excise tax allocation fund rather than the general fund. This change reduces 2001-03 biennium estimated general fund revenues by \$629,000.

Grants from this special fund will be distributed quarterly to cities and counties based on their proportion of the taxes collected. If a city or county's allocation for a quarter is less than \$200, that city or county will not receive a payment for that quarter, but that amount will be distributed to other cities and counties receiving payments of \$200 or more.

The section providing that the Attorney General distribute local gaming enforcement grants on a competitive basis is removed from the bill.

A section is added authorizing the Attorney General to charge fees totaling up to \$35,000 for the 2001-03 biennium for services provided by the State Fire Marshal to entities covered by the petroleum release compensation fund. Collections of these fees will be deposited in the Attorney General's operating fund.

A section is added requiring the State Fire Marshal, as requested by a political subdivision, to conduct inspections of publicly or privately owned buildings. The State Fire Marshal will charge a fee for these inspections, the proceeds of which will be deposited in the general fund.

A section of legislative intent is added providing that the Attorney General request state contingency funds from the Emergency Commission if additional funding is needed for cleanup costs relating to clandestine laboratories and if federal funds are not available for paying these costs.

A section is added appropriating \$197,714 from the general fund for local gaming enforcement grants for the 1999-2001 biennium providing a total of \$419,591 for these grants for the 1999-2001 biennium.

#### REPORT OF STANDING COMMITTEE

**HB 1043: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1043 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "\$2,000,000" with "\$1,000,000"

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment reduces the general fund appropriation to the Bank of North Dakota for implementing a student loan payment program by \$1 million, from \$2 million to \$1 million.

#### REPORT OF STANDING COMMITTEE

**HB 1109: 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 1109 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "23-09.3-05," and remove the third comma

Page 1, line 7, remove "licensing fees for basic care facilities,"

Page 2, remove lines 7 through 19

Page 8, line 15, replace "seventy-five" with "ten"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**State Department of Health**

HOUSE - This amendment removes provisions that would have required basic care facilities to pay a \$5 per bed license fee and that would have required the State Department of Health to develop a survey process for these facilities.

**Department of Human Services**

HOUSE - This Amendment reduces the annual registration fee for assisted living facilities by \$65, from \$75 to \$10.

**REPORT OF STANDING COMMITTEE**

**HB 1350, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 7, after "facility" insert "within the state" and remove the comma

Page 1, line 8, remove "whether inside, outside, or through the state,"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1400, as engrossed: 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). Engrossed HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "seventy-five thousand dollars" with "a dollar for dollar match for the amount requested in the loan"

Page 1, line 18, after "than" insert "twenty-five thousand dollars and not more than"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1407: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "insurance commissioner" with "legislative council"

Page 2, line 11, replace "insurance commissioner" with "legislative council"

Page 2, line 12, after the dash insert "**REPORT BY INSURANCE COMMISSIONER ON**"

Page 2, line 13, replace "study" with "consider studying"

Page 2, line 16, after "evaluate" insert ", subject to receipt of adequate funding under section 3 of this Act,"

Page 2, line 21, replace "interim committee conducting the study required by this section during the course of the" with "before July 1, 2002."

Page 2, remove lines 22 through 25

Page 2, line 31, remove "general fund"

Page 3, line 4, after the period insert "The unexpended appropriation authority may only be spent to the extent that the expenditure does not reduce the projected transfers to the general fund under section 26.1-01-07.1 as projected by the fifty-seventh legislative assembly revenue forecast for the 2001-03 biennium."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1414: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1414 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "**pool**" and insert immediately thereafter "pools"

Page 1, line 16, remove "and the business products utilization commission" and overstrike "a" and insert immediately thereafter "an agricultural products utilization commission"

Page 1, line 17, after "and" insert ", in conjunction with the business products utilization commission, may establish a business products utilization commission mutual fund capital pool"

Page 1, line 18, after "projects" insert ". If the department establishes mutual fund capital pools under this section, the agricultural products utilization commission mutual fund capital pool and the business products utilization commission mutual fund capital pool must be separate and funds of one pool may not be mingled with the other"

Page 2, line 21, replace "\$250,000" with "\$125,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1414 - Department of Economic Development and Finance - House Action

This amendment provides that the Business Products Utilization Commission mutual fund capital pool be maintained separate from the Agricultural Products Utilization Commission mutual fund capital pool.

The appropriation provided for the Business Products Utilization Commission is reduced by \$125,000 from \$250,000 to \$125,000 from the general fund.

#### MOTION

**REP. BELTER MOVED** to suspend the rules 601-3 and put HB 1003, HB 1043, HB 1109, HB 1350, HB 1400, HB 1407, HB 1414 on the Sixth Order, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1003 HB 1043, HB 1109, HB 1350, HB 1400, HB 1407, and HB 1414 be adopted, which motion prevailed.

HB 1003 HB 1043, HB 1109, HB 1350, HB 1400, HB 1407, and HB 1414, as amended, were placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to require the state fire marshal to inspect buildings as requested by a political subdivision; to provide statements of legislative intent; to amend and reenact sections 53-06.1-12 and 54-12-11 of the North Dakota Century Code, relating to gaming and excise tax collections and the salary of the attorney general; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1003 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1043:** A BILL for an Act to provide for payment of certain student loans for students in specified industries; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boucher; Brusegaard; Carlisle; Clark; Cleary; Delmore; Devlin; Disrud; Dosch; Eckre; Ekstrom; Froelich; Glassheim; Grosz; Grumbo; Gulleson; Haas; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Porter; Price; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Wentz; Wikenheiser; Winrich

**NAYS:** Bellew; Berg; Boehm; Brandenburg; Brekke; Byerly; Carlson; DeKrey; Delzer; Drovdal; Froseth; Galvin; Grande; Gunter; Herbel; Kasper; Kempenich; Kingsbury; Lloyd; Nelson; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Skarphol; Thoreson, L.; Wald; Weiler; Weisz; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1043 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1109:** A BILL for an Act to create and enact a new section to chapter 50-24.5 and a new subsection to section 50-24.5-02 of the North Dakota Century Code, relating to registration fees, requirements, and complaints to the department of human services regarding assisted living facilities; to amend and reenact subsection 2 of section 23-09-01, subsection 1 of section 23-09.3-01, and sections 50-24.5-01 and 50-24.5-04 of the North Dakota Century Code, relating to requiring assisted living facilities to be licensed as boardinghouses, definitions, and limits on cost of services provided; to repeal section 23-09.3-03 of the North Dakota Century Code, relating to choice of pharmacy services; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1109 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1350:** A BILL for an Act to create and enact a new section to chapter 12-47 of the North Dakota Century Code, relating to the transporting of certain prisoners.

**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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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.; Klemm; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1350 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1400:** A BILL for an Act to create and enact a new section to chapter 54-34.3 of the North Dakota Century Code, relating to a rural growth incentive program administered by the department of economic development and finance; and to provide for allocation of the North Dakota development fund.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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.; Klemm; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1400 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1407:** A BILL for an Act to provide for a cost-benefit analysis of mandated health insurance coverage of services; to provide for a legislative council study; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Boucher; Brekke; Cleary; Ekstrom; Froelich; Galvin; Glassheim; Grumbo; Gulleon; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lloyd; Mahoney; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Wentz; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1407 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1414:** A BILL for an Act to provide for the business products utilization commission; to amend and reenact sections 54-34.3-08 and 54-34.3-11 of the North Dakota Century Code, relating to powers of the business products utilization commission; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Brekke; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; 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; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**NAYS:** Boehm; Brusegaard; Byerly; Carlson; Delzer; Grande; Lloyd; Renner; Wrangham

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1414 passed and the title was agreed to.

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**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 2053, SB 2217, SB 2220, SB 2267, SB 2288, SB 2308, SB 2315, SB 2317, SB 2336, SB 2358, SB 2376, SB 2379, SB 2390, SB 2397, SB 2407, SB 2413, SB 2414, SB 2420, SB 2449, SCR 4009, SCR 4016, SCR 4020, SCR 4029.

**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 2216, SB 2424.

**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 1145, HB 1173, HB 1210, HB 1220, HB 1318, HB 1327, HB 1338, HB 1386, HB 1391, HB 1423, HB 1431, HB 1455, HB 1456, HB 1459, HB 1469, HB 1474, HCR 3002, HCR 3016, HCR 3019, HCR 3026, HCR 3032, HCR 3033, HCR 3041, HCR 3044, HCR 3045.

**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 1468.

**REPORT OF STANDING COMMITTEE**

**HB 1012: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1012 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "for a transfer from the North Dakota health care trust fund; and to declare" with "statements of legislative intent; to provide an exception to section 54-16-04 of the North Dakota Century Code, relating to emergency commission approval for line item transfers; to create and enact a new subsection to section 50-10-06 of the North Dakota Century Code, relating to eligibility for children's special health services; and to amend and reenact subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code, relating to county reimbursements"

Page 1, line 4, remove "an emergency"

Page 1, line 15, replace "35,536,510" with "34,412,275"

Page 1, line 16, replace "2,208,429" with "1,185,704"

Page 1, line 18, replace "2,040,055" with "2,261,556"

Page 1, remove line 19

Page 1, line 20, replace "line items" with "all funds" and replace "60,522,444" with "49,670,844"

Page 1, line 21, replace "40,824,823" with "31,615,495"

Page 1, line 22, replace "19,697,621" with "18,055,349"

Page 2, line 1, replace "11,126,095" with "10,920,080"

Page 2, line 2, replace "17,889,079" with "17,169,938"

Page 2, line 5, replace "134,790,705" with "134,389,148"

Page 2, line 6, replace "756,354,293" with "718,078,659"

Page 2, remove line 7

Page 2, line 8, replace "line items" with "all funds" and replace "928,758,489" with "880,578,318"

Page 2, line 9, replace "740,502,079" with "671,393,327"

Page 2, line 10, replace "188,256,410" with "209,184,991"

Page 2, line 14, replace "11,658,081" with "11,465,354"

Page 2, line 17, replace "141,995,590" with "133,362,788"

Page 2, line 18, replace "line items" with "all funds" and replace "164,255,080" with "155,429,551"

Page 2, line 19, replace "129,295,937" with "124,743,392"

Page 2, line 20, replace "34,959,143" with "30,686,159"

Page 2, line 23, replace "8,328,987" with "8,157,433"

Page 2, line 24, replace "4,155,537" with "4,083,037"

Page 2, line 25, replace "4,173,450" with "4,074,396"

Page 2, line 27, replace "14,407,527" with "14,201,485"

Page 2, line 28, replace "5,892,990" with "5,797,056"

Page 2, line 29, replace "8,514,537" with "8,404,429"

Page 3, line 1, replace "8,259,010" with "8,207,410"

Page 3, line 2, replace "3,658,411" with "3,638,811"

Page 3, line 3, replace "4,600,599" with "4,568,599"

Page 3, line 5, replace "19,082,759" with "18,852,059"

Page 3, line 6, replace "11,282,528" with "11,195,028"

Page 3, line 7, replace "7,800,231" with "7,657,031"

Page 3, line 10, replace "19,813,929" with "19,695,629"

Page 3, line 11, replace "20,387,053" with "20,268,753"

Page 3, line 12, replace "11,146,427" with "11,124,027"

Page 3, line 13, replace "9,240,626" with "9,144,726"

Page 3, line 15, replace "11,314,710" with "11,207,210"

Page 3, line 16, replace "5,531,495" with "5,502,095"

Page 3, line 17, replace "5,783,215" with "5,705,115"

Page 3, line 19, replace "18,918,235" with "18,616,938"

Page 3, line 20, replace "10,490,557" with "10,452,773"

Page 3, line 21, replace "8,427,678" with "8,164,165"

Page 3, line 23, replace "9,669,122" with "9,618,722"

Page 3, line 24, replace "5,165,874" with "5,161,574"

Page 3, line 25, replace "4,503,248" with "4,457,148"

Page 3, line 27, replace "1,683,431" with "970,176"

Page 3, line 28, replace "50,491,299" with "50,265,299"

Page 3, line 29, replace "line items" with "all funds" and replace "52,174,730" with "51,235,475"

Page 3, line 30, replace "18,374,398" with "17,961,143"

Page 3, line 31, replace "33,800,332" with "33,274,332"

Page 4, line 2, replace "934,363" with "864,363"

Page 4, line 3, replace "40,088,524" with "39,823,524"

Page 4, line 4, replace "line items" with "all funds" and replace "41,022,887" with "40,687,887"

Page 4, line 5, replace "30,233,607" with "30,020,107"

Page 4, line 6, replace "10,789,280" with "10,667,780"

Page 4, line 7, replace "203,565,020" with "201,053,372"

Page 4, line 8, replace "105,931,824" with "104,935,651"

Page 4, line 9, replace "97,633,196" with "96,117,721"

Page 4, line 10, replace "340,546,370" with "354,044,220"

Page 4, line 11, replace "1,016,554,663" with "932,687,865"

Page 4, line 12, replace "1,357,101,033" with "1,286,732,085"

Page 4, line 13, replace "\$2,040,055" with "\$2,261,556"

Page 5, replace lines 9 through 20 with:

**"SECTION 7. DEPARTMENT OF HUMAN SERVICES - FUNDING OR EMPLOYEE TRANSFERS - REPORT TO FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.**

The department of human services shall prepare and present a report to the appropriations committees of the fifty-eighth legislative assembly on any transfers of funding or employee full-time equivalent positions made between the department's subdivisions or institutions and human service centers during the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 8. LINE ITEM TRANSFER AUTHORITY.** Notwithstanding section 54-16-04, the department of human services may transfer amounts of up to \$250,000 from the operating expenses line item in subdivision 1 of section 1 of this Act to the equipment line item in subdivision 1 of section 1 of this Act for the biennium beginning July 1, 2001, and ending June 30, 2003. The department shall notify the office of management and budget of each transfer.

**SECTION 9. LEGISLATIVE INTENT - MATERNAL AND CHILD HEALTH BLOCK GRANT WAIVER.** It is the intent of the legislative assembly that the department of human services and the state department of health seek a waiver from the federal government to allow the state to spend less than thirty percent of its federal maternal and child health block grant for children with special health care needs for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 10. LEGISLATIVE INTENT - MEDICAL SERVICES - UTILIZATION REVIEW.** It is the intent of the legislative assembly that the department of human services enhance the effectiveness of its utilization review efforts in the medical services program during the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 11. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES - SHARING OF WORKSTATIONS.** It is the intent of the legislative assembly that the department of human services consider requiring the sharing of workstations by its employees for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 12. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES - TELEPHONE COST-SAVINGS.** It is the intent of the legislative assembly that the department of human services consider distributing prepaid telephone calling cards to its employees for use when making allowable long-distance personal telephone calls when traveling on official state business during the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 13. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES - PRINTING COST-SAVINGS.** It is the intent of the legislative assembly that the department of human services consider expanding its use of e-mail for distributing information to reduce printing costs for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 14. LEGISLATIVE INTENT - GENERAL FUND AND HEALTH CARE TRUST FUND MONEYS - SPENDING PRIORITY.** It is the intent of the legislative assembly that for any programs receiving appropriations from both the general fund and health care trust fund, the department of human services spend moneys appropriated from the general fund before spending moneys from the health care trust fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 15. LEGISLATIVE INTENT - STATE HOSPITAL LANDFILL CLOSURE.** It is the intent of the legislative assembly that the state hospital seek the assistance of the adjutant general in the closure of the state hospital landfill and that the adjutant general complete the project subject to the approval of the associated general contractors of North Dakota for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 16. LEGISLATIVE INTENT - FEDERAL FAMILY CAREGIVER FUNDS.** It is the intent of the legislative assembly that the department of human services determine the requirements related to the acceptance of federal family caregiver funds, including allowable uses, maintenance of effort, and future funding projections.

**SECTION 17. AMENDMENT.** Subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code is amended and reenacted as follows:

3. Notwithstanding any other provisions of law, the department shall reimburse county social service boards for expenses of locally administered economic assistance programs in counties in which more than twenty percent of the caseload for these programs consists of people who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:
  - a. An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at ~~one hundred eighty-five~~ percent;
  - b. Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date;
  - c. The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation; ~~and~~
  - d. ~~For calendar year 2000, up to fifteen percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement. For the first six months of calendar year 2001, up to seven and one-half percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement.~~

**SECTION 18.** A new subsection to section 50-10-06 of the North Dakota Century Code is created and enacted as follows:

Establish eligibility criteria for services under this chapter at one hundred eighty-five percent of the poverty line. For purposes of this chapter, "poverty line" has the same meaning as defined in section 50-29-01."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1012 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Department of Human Services - Management			
Total all funds	\$60,522,444	(\$10,851,600)	\$49,670,844
Less estimated income	40,824,823	(9,209,328)	31,615,495
General fund	\$19,697,621	(\$1,642,272)	\$18,055,349
Department of Human Services - Economic Assistance			
Total all funds	\$928,758,489	(\$48,180,171)	\$880,578,318
Less estimated income	740,502,079	(69,108,752)	671,393,327
General fund	\$188,256,410	\$20,928,581	\$209,184,991
Department of Human Services - Program and Policy			
Total all funds	\$164,255,080	(\$8,825,529)	\$155,429,551
Less estimated income	129,295,937	(4,552,545)	124,743,392
General fund	\$34,959,143	(\$4,272,984)	\$30,686,159
Department of Human Services - State Hospital			
Total all funds	\$52,174,730	(\$939,255)	\$51,235,475
Less estimated income	18,374,398	(413,255)	17,961,143

General fund	\$33,800,332	(\$526,000)	\$33,274,332
Department of Human Services - Developmental Center			
Total all funds	\$41,022,887	(\$335,000)	\$40,687,887
Less estimated income	30,233,607	(213,500)	30,020,107
General fund	\$10,789,280	(\$121,500)	\$10,667,780
Department of Human Services - Northwest Human Service Center			
Total all funds	\$8,328,987	(\$171,554)	\$8,157,433
Less estimated income	4,155,537	(72,500)	4,083,037
General fund	\$4,173,450	(\$99,054)	\$4,074,396
Department of Human Services - North Central Human Service Center			
Total all funds	\$14,407,527	(\$206,042)	\$14,201,485
Less estimated income	5,892,990	(95,934)	5,797,056
General fund	\$8,514,537	(\$110,108)	\$8,404,429
Department of Human Services - Lake Region Human Service Center			
Total all funds	\$8,259,010	(\$51,600)	\$8,207,410
Less estimated income	3,658,411	(19,600)	3,638,811
General fund	\$4,600,599	(\$32,000)	\$4,568,599
Department of Human Services - Northeast Human Service Center			
Total all funds	\$19,082,759	(\$230,700)	\$18,852,059
Less estimated income	11,282,528	(87,500)	11,195,028
General fund	\$7,800,231	(\$143,200)	\$7,657,031
Department of Human Services - Southeast Human Service Center			
Total all funds	\$20,387,053	(\$118,300)	\$20,268,753
Less estimated income	11,146,427	(22,400)	11,124,027
General fund	\$9,240,626	(\$95,900)	\$9,144,726
Department of Human Services - South Central Human Service Center			
Total all funds	\$11,314,710	(\$107,500)	\$11,207,210
Less estimated income	5,531,495	(29,400)	5,502,095
General fund	\$5,783,215	(\$78,100)	\$5,705,115
Department of Human Services - West Central Human Service Center			
Total all funds	\$18,918,235	(\$301,297)	\$18,616,938
Less estimated income	10,490,557	(37,784)	10,452,773
General fund	\$8,427,678	(\$263,513)	\$8,164,165
Department of Human Services - Badlands Human Service Center			
Total all funds	\$9,669,122	(\$50,400)	\$9,618,722
Less estimated income	5,165,874	(4,300)	5,161,574
General fund	\$4,503,248	(\$46,100)	\$4,457,148
Bill Total			
Total all funds	\$1,357,101,033	(\$70,368,948)	\$1,286,732,085
Less estimated income	1,016,554,663	(83,866,798)	932,687,865
General fund	\$340,546,370	\$13,497,850	\$354,044,220

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

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
Salaries and wages	\$11,810,001		\$11,810,001
Operating expenses	35,536,510	(\$1,124,235)	34,412,275
Equipment	2,208,429	(1,022,725)	1,185,704
Capital improvements	1,308		1,308
Loan fund - DD	2,040,055	221,501	2,261,556
Health Insurance Portability and Accountability Act (HIPAA)	<u>8,926,141</u>	<u>(8,926,141)</u>	
Total all funds	\$60,522,444	(\$10,851,600)	\$49,670,844
Less estimated income	<u>40,824,823</u>	<u>(9,209,328)</u>	<u>31,615,495</u>
General fund	\$19,697,621	(\$1,642,272)	\$18,055,349
FTE	122.80	0.00	122.80

<sup>1</sup> Management - House changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Adds funding for operating expenses. A section is added authorizing the department to transfer up to \$250,000 from the operating expenses line item to the equipment line item without Emergency Commission approval.		\$250,000		\$250,000
<b>Executive Office Program</b> Reduces funding for operating expenses		(7,500)		(7,500)
<b>Managerial Support Program</b> Increases funding from the lands and minerals trust fund for making DD loan fund payments to the common schools trust fund due to additional loans being approved			\$221,501	221,501
Removes funding for the Health Insurance Portability and Accountability Act (HIPAA), \$3,870,974 of which is from the health care trust fund and \$5,055,347 of			(8,926,141)	(8,926,141)

federal funds - Funding for HIPAA and other technology projects of \$8,055,347 is included in House Bill No. 1196. Of the total in House Bill No. 1196, \$3,000,000 is from the health care trust fund and \$5,055,347 is federal funds.

Reduces funding for operating expenses	(28,800)	(51,200)	(80,000)
<b>Information Management Division Program</b>			
Reduces funding associated with new positions added at the West Central Human Service Center (OARs 220, 227, and 229)	(8,576)	(994)	(9,570)
Reduces funding associated with new positions added at the Southeast Human Service Center (OARs 213 and 218)	(6,380)		(6,380)
Reduces funding associated with a new position added in child support (OAR 215)	(3,190)		(3,190)
Reduces funding for operating expenses	(101,500)	(248,500)	(350,000)
Reduces operating expense funding for current systems enhancements to \$2,524,714, of which \$650,681 is from the general fund (OAR 205)	(637,000)		(637,000)
Removes funding from operating for upgrading to Windows 2000 (OAR 209)	(249,326)	(203,994)	(453,320)
Reduces operating expense funding for the case management system project to \$1,250,000, of which \$500,000 is from the general fund (OAR 225)	(250,000)		(250,000)
Transfers \$412,225 from the general fund for ATM network costs from equipment to operating			
Reduces funding for equipment	<u>(600,000)</u>		<u>(600,000)</u>
<b>Total House changes - Management</b>	0.00	(\$1,642,272)	(\$9,209,328)
			(\$10,851,600)

A section is added providing that the Department of Human Services prepare a report for the 2003 Legislative Assembly on any funding or FTE transfers made between the department's subdivisions or institutions and human service centers during the 2001-03 biennium.

Sections of legislative intent are added providing that the department:

- Consider requiring its employees to share workstations.
- Consider distributing prepaid telephone calling cards to its employees to use when traveling on official state business for allowable personal calls to reduce telephone costs.
- Consider expanding its use of e-mail for distributing information to reduce printing costs.
- Spend general fund moneys before health care trust fund moneys in programs receiving appropriations from both the general fund and the health care trust fund.
- Determine the requirements for acceptance of federal family caregiver funds.

#### House Bill No. 1012 - Department of Human Services - Economic Assistance - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
Salaries and wages	\$11,126,095	(\$206,015)	\$10,920,080
Operating expenses	17,889,079	(719,141)	17,169,938
Equipment	17,950		17,950
Capital improvements	2,543		2,543
Grants - Assistance payments	134,790,705	(401,557)	134,389,148
Grants - Medical assistance	756,354,293	(38,275,634)	718,078,659
Health care trust fund	<u>8,577,824</u>	<u>(8,577,824)</u>	
Total all funds	\$928,758,489	(\$48,180,171)	\$880,578,318
Less estimated income	<u>740,502,079</u>	<u>(69,108,752)</u>	<u>671,393,327</u>
General fund	\$188,256,410	\$20,928,581	\$209,184,991
FTE	130.80	(3.00)	127.80

<sup>1</sup> Economic Assistance - House changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b>Economic Assistance Policy Program</b>				
Reduces funding for the Indian county allocation to reflect the calculation at 85 percent rather than 100 percent of formula. Funding of \$2,384,884 is provided, \$316,877 of which is from the general fund.		(\$387,095)		(\$387,095)
Reduces funding for salaries and wages to reflect a reclassification of a position from a human service		(11,909)	(\$15,844)	(27,753)



program administrator to an administrative secretary

Reduces funding for operating expenses (5,400) (54,600) (60,000)

**Child Support Program**

Removes a support specialist position and related operating expenses added in the executive budget (OAR 214) (1.00) (75,103) (75,103)

Reduces funding for operating expenses (25,000) (25,000)

**Medical Services Program**

Removes funding from the health care trust fund line item relating to funding for SPED that was appropriated in this subdivision and in Program and Policy. (The funding only needs to be appropriated in Program and Policy.) (4,262,410) (4,262,410)

Increases DD grants funding to increase the average wage for community provider direct care workers by 10 cents per hour 484,547 1,013,965 1,498,512

Removes positions relating to Healthy Steps due to eligibility determination being transferred to the counties (HB 1441) (2.00) (36,997) (135,969) (172,966)

Reduces medical assistance grants to reflect removal of the \$25 million of state matching funds included in the executive budget from the health care trust fund and related federal funds (83,333,333) (83,333,333)

Adds funding for medical assistance grants. The House version provides a total of \$549,031,866 for medical assistance grants, excluding Healthy Steps, intergovernmental transfer payments, and developmental disabilities grants. Of this total, \$150,815,101 is from the general fund. 21,000,000 49,000,000 70,000,000

Reduces funding for basic care grants to reflect targeted case management costs being paid in medical assistance (14,462) (14,462)

Removes funding from grants for making government nursing facility funding pool payments, including \$7,946,165 from the health care trust fund that was recommended to be used as the state matching share. Funding of \$38,750,000, of which \$11,650,000 is from the general fund, for making these payments is included in House Bill No. 1196. (26,440,813) (26,440,813)

Removes funding from the health care trust fund for nursing facility grants and loans from the health care trust fund line item. Funding of \$9 million from the health care trust fund for these grants and loans is included in House Bill No. 1196. (4,020,226) (4,020,226)

Removes operating expense funding from the health care trust fund for the additional 1999-2001 biennium transaction fee payment to Dunseith and McVilie. Funding of \$800,000 from the health care trust fund is included in House Bill No. 1196 for these payments. (400,000) (400,000)

Removes operating expense funding from the health care trust fund for the statewide long-term care needs assessment. Funding of \$241,006 from the health care trust fund is included in House Bill No. 1196 for this study. (241,006) (241,006)

Removes funding from the health care trust fund relating to Bank of North Dakota fees. The bank withholds these fees pursuant to a continuing appropriation. (147,358) (147,358)

Removes funding from the health care trust fund for intergovernmental transfer program administrative costs. Funding for these administrative costs is included in House Bill No. 1196. In addition, funding for the remaining administrative costs of \$76,672, of which \$2,757 is from the general fund and \$73,915 is federal funds, is moved from the health care trust fund line item to salaries and wages (\$60,707) and to operating expenses (\$15,965). (71,158) (71,158)

**Total House changes - Economic Assistance** (3.00) \$20,928,581 (\$69,108,752) (\$48,180,171)

A section is added amending subsection 3 of section 50-01.2-03.2 to change the formula used for calculating the Indian county allocation from 100 percent of the excess costs relating to the locally administered economic assistance programs over the statewide average to 85 percent.

A section of legislative intent is added providing that the department enhance the effectiveness of its utilization review efforts in the medical services program.

**House Bill No. 1012 - Department of Human Services - Program and Policy - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES 1	HOUSE VERSION
Salaries and wages	\$10,546,892		\$10,546,892
Operating expenses	11,658,081	(\$192,727)	11,465,354
Equipment	53,728		53,728
Capital improvements	789		789

Grants	<u>141,995,590</u>	<u>(8,632,802)</u>	<u>133,362,788</u>
Total all funds	\$164,255,080	(\$8,825,529)	\$155,429,551
Less estimated income	<u>129,295,937</u>	<u>(4,552,545)</u>	<u>124,743,392</u>
General fund	\$34,959,143	(\$4,272,984)	\$30,686,159
FTE	112.50	0.00	112.50

<sup>1</sup> Program and Policy - House changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b>Aging Services Program</b>				
Removes \$350,000 of the \$400,000 added in the executive budget for senior citizen mill levy matching grants. Funding of \$1,312,945 from the general fund remains in this bill. Additional funding of \$150,000 from the health care trust fund is included in House Bill No. 1196.		(\$350,000)		(\$350,000)
Reduces funding to \$268,400, \$200,000 of which is from the general fund for operating expenses relating to distributing telecommunications equipment		(52,727)		(52,727)
Reduces funding for SPED grants to \$13,415,595, of which \$8,471,034 is from the general fund to reflect targeted case management costs being paid in medical assistance		(90,065)	(\$461,635)	(551,700)
Reduces funding for SPED grants to \$6,517,293 in this bill, of which \$5,835,142 is from the general fund. Additional funding for SPED of \$6,898,302 from the health care trust fund is included in House Bill No. 1196.		(2,635,892)	(4,262,410)	(6,898,302)
Reduces funding for expanded SPED grants to \$1,203,280 from the general fund to reflect targeted case management costs being paid in medical assistance		(217,800)		(217,800)
<b>Children's Special Health Program</b>				
Reduces funding for operating expenses		(21,500)	(28,500)	(50,000)
<b>Children and Family Services Program</b>				
Reduces funding for intensive in-home services grants to \$250,000 from the general fund (OAR 231)		(50,000)		(50,000)
Reduces funding for operating expenses		(25,000)		(25,000)
Changes the funding source from the general fund to federal TANF block grant funds and reduces funding for child protection services grants		(300,000)	200,000	(100,000)
Reduces funding for family preservation services grants		(100,000)		(100,000)
Reduces funding for early childhood services grants to provide \$4,136,344, of which \$105,000 is from the general fund		(40,000)		(40,000)
<b>Mental Health and Substance Abuse Program</b>				
Reduces operating expense funding for compulsive gambling services to provide \$100,000 from the general fund		(50,000)		(50,000)
<b>Developmental Disabilities Program</b>				
Reduces funding for operating expenses		(10,000)		(10,000)
<b>Vocational Rehabilitation Program</b>				
Reduces funding for grants for independent living centers to \$921,699, of which \$343,992 is from the general fund. Additional funding for independent living center grants of \$100,000 from the health care trust fund is included in House Bill No. 1196.		(300,000)		(300,000)
Reduces funding for operating expenses		(5,000)		(5,000)
Reduces funding for extended services grants		<u>(25,000)</u>		<u>(25,000)</u>
<b>Total House changes - Program and Policy</b>	0.00	(\$4,272,984)	(\$4,552,545)	(\$8,825,529)

A section of legislative intent is added providing that the department seek a waiver from the federal government allowing the state to spend less than 30 percent of the federal maternal and child health block grant for children with special health care needs.

A section is added providing that eligibility for children's special health services be set at 185 percent of poverty in statute, the current level set by administrative rule.

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

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
Capital improvements	\$1,683,431	(\$713,255)	\$970,176
Human service	50,491,299	(226,000)	50,265,299

centers/institutions			
Total all funds	\$52,174,730	(\$939,255)	\$51,235,475
Less estimated income	<u>18,374,398</u>	<u>(413,255)</u>	<u>17,961,143</u>
General fund	\$33,800,332	(\$526,000)	\$33,274,332
FTE	511.00	0.00	511.00

<sup>1</sup> State Hospital - House changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Removes funding from the health care trust fund for costs associated with closing the State Hospital landfill. A section of legislative intent is added providing that the State Hospital seek the assistance of the National Guard to complete the closure of the landfill.			(\$413,255)	(\$413,255)
Reduces capital improvements funding		(\$300,000)		(300,000)
Reduces operating expense funding		(196,000)		(196,000)
Reduces equipment funding		(30,000)		(30,000)
<b>Total House changes - State Hospital</b>	0.00	(\$526,000)	(\$413,255)	(\$939,255)

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

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
Capital improvements	\$934,363	(\$70,000)	\$864,363
Human service centers/institutions	40,088,524	(265,000)	39,823,524
Total all funds	\$41,022,887	(\$335,000)	\$40,687,887
Less estimated income	<u>30,233,607</u>	<u>(213,500)</u>	<u>30,020,107</u>
General fund	\$10,789,280	(\$121,500)	\$10,667,780
FTE	471.14	0.00	471.14

<sup>1</sup> Developmental Center - House changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Removes capital improvements funding for a power generator and line power synchronization no longer being requested by the agency		(\$42,000)	(\$28,000)	(\$70,000)
Removes equipment funding for a dietary trayline system		(12,000)	(28,000)	(40,000)
Reduces operating expense funding		<u>(67,500)</u>	<u>(157,500)</u>	<u>(225,000)</u>
<b>Total House changes - Developmental Center</b>	0.00	(\$121,500)	(\$213,500)	(\$335,000)

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

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
Department of Human Services - Northwest Human Service Center	\$4,173,450	(\$99,054)	\$4,074,396
Department of Human Services - North Central Human Service Center	8,514,537	(110,108)	8,404,429
Department of Human Services - Lake Region Human Service Center	4,600,599	(32,000)	4,568,599
Department of Human Services - Northeast Human Service Center	7,800,231	(143,200)	7,657,031
Department of Human Services - Southeast Human Service Center	9,240,626	(95,900)	9,144,726
Department of Human Services - South Central Human Service Center	5,783,215	(78,100)	5,705,115
Department of Human Services - West Central Human Service Center	8,427,678	(263,513)	8,164,165
Department of Human Services - Badlands Human Service Center	4,503,248	(46,100)	4,457,148
Total general fund	\$53,043,584	(\$867,975)	\$52,175,609

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

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
Department of Human Services - Northwest Human Service Center	\$4,155,537	(\$72,500)	\$4,083,037
Department of Human Services - North Central Human Service Center	5,892,990	(95,934)	5,797,056
Department of Human Services -	3,658,411	(19,600)	3,638,811

Lake Region Human Service Center Department of Human Services - Northeast Human Service Center	11,282,528	(87,500)	11,195,028
Department of Human Services - Southeast Human Service Center	11,146,427	(22,400)	11,124,027
Department of Human Services - South Central Human Service Center	5,531,495	(29,400)	5,502,095
Department of Human Services - West Central Human Service Center	10,490,557	(37,784)	10,452,773
Department of Human Services - Badlands Human Service Center	5,165,874	(4,300)	5,161,574
Total other funds	\$57,323,819	(\$369,418)	\$56,954,401

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

	EXECUTIVE BUDGET	HOUSE CHANGES <sup>1</sup>	HOUSE VERSION
Department of Human Services - Northwest Human Service Center	\$8,328,987	(\$171,554)	\$8,157,433
Department of Human Services - North Central Human Service Center	14,407,527	(206,042)	14,201,485
Department of Human Services - Lake Region Human Service Center	8,259,010	(51,600)	8,207,410
Department of Human Services - Northeast Human Service Center	19,082,759	(230,700)	18,852,059
Department of Human Services - Southeast Human Service Center	20,387,053	(118,300)	20,268,753
Department of Human Services - South Central Human Service Center	11,314,710	(107,500)	11,207,210
Department of Human Services - West Central Human Service Center	18,918,235	(301,297)	18,616,938
Department of Human Services - Badlands Human Service Center	9,669,122	(50,400)	9,618,722
Total all funds	\$110,367,403	(\$1,237,393)	\$109,130,010
FTE	904.33	(5.00)	899.33

<sup>1</sup> Human service center changes include:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
<b>Northwest Human Service Center - House changes:</b>				
Removes addition program positions no longer being requested by the agency. The center will use the funding to contract with a private provider for these services. The funding removed relates to the recommended compensation package increase for these positions.	(5.00)	(\$21,554)		(\$21,554)
Reduces funding for rent		(35,000)	(\$35,000)	(70,000)
Reduces funding for other operating expenses		(35,000)	(35,000)	(70,000)
Reduces funding for DD infant development grants		(7,500)	(2,500)	(10,000)
<b>Total House changes - Northwest Human Service Center</b>	(5.00)	(\$99,054)	(\$72,500)	(\$171,554)
<b>North Central Human Service Center - House changes:</b>				
Adds a community home counselor for the Oppen program	1.00	\$53,606		\$53,606
Removes a portion of the funding relating to a human service program administrator position added in OAR 246 to assist with business office functions		(30,964)	(\$3,684)	(34,648)
Reduces operating expense funding		(14,750)	(10,250)	(25,000)
Reduces grants funding for short-term inpatient hospitalization services		(118,000)	(82,000)	(200,000)
<b>Total House changes - North Central Human Service Center</b>	1.00	(\$110,108)	(\$95,934)	(\$206,042)
<b>Lake Region Human Service Center - House changes:</b>				
Reduces salaries relating to a human relations counselor position that has been reclassified		(\$10,800)	(\$10,800)	(\$21,600)
Reduces operating expense funding		(11,200)	(8,800)	(20,000)
Reduces grants funding		(10,000)		(10,000)
<b>Total House changes - Lake Region Human Service Center</b>	0.00	(\$32,000)	(\$19,600)	(\$51,600)
<b>Northeast Human Service Center - House changes:</b>				
Reduces funding for adult protective services		(\$40,700)		(\$40,700)
Reduces operating expense funding		(40,000)		(40,000)
Reduces grants funding		(20,500)	(\$29,500)	(50,000)
Reduces grants funding		(42,000)	(58,000)	(100,000)
<b>Total House changes - Northeast Human Service Center</b>	0.00	(\$143,200)	(\$87,500)	(\$230,700)
<b>Southeast Human Service Center - House changes:</b>				

Reduces funding for adult protective services		(\$53,300)		(\$53,300)
Reduces operating expense funding		(17,600)	(\$22,400)	(40,000)
Reduces grants funding		<u>(25,000)</u>		<u>(25,000)</u>
<b>Total House changes - Southeast Human Service Center</b>	0.00	(\$95,000)	(\$22,400)	(\$118,300)
<b>South Central Human Service Center - House changes:</b>				
Reduces funding for adult protective services		(\$37,500)		(\$37,500)
Reduces funding for temporary and overtime salaries		(10,200)	(\$9,800)	(20,000)
Reduces operating expense funding		(20,400)	(19,600)	(40,000)
Reduces funding for grants		<u>(10,000)</u>		<u>(10,000)</u>
<b>Total House changes - South Central Human Service Center</b>	0.00	(\$78,100)	(\$29,400)	(\$107,500)
<b>West Central Human Service Center - House changes:</b>				
Reduces funding for adult protective services		(\$58,100)		(\$58,100)
Removes assistant director position	(1.00)	(107,913)	(\$10,284)	(118,197)
Reduces operating expense funding		(22,500)	(27,500)	(50,000)
Reduces grants funding		<u>(75,000)</u>		<u>(75,000)</u>
<b>Total House changes - West Central Human Service Center</b>	(1.00)	(\$263,513)	(\$37,784)	(\$301,297)
<b>Badlands Human Service Center - House changes:</b>				
Reduces funding for adult protective services		(\$20,400)		(\$20,400)
Reduces operating expense funding		(14,100)	(\$15,900)	(30,000)
Reduces funding for respite care grants		(5,000)		(5,000)
Reduces psychiatric services		(15,000)		(15,000)
Adds funding for chemical dependency alcohol and drug services		8,400	11,600	20,000
<b>Total House changes - Badlands Human Service Center</b>	0.00	(\$46,100)	(\$4,300)	(\$50,400)

### REPORT OF STANDING COMMITTEE

**HB 1013: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and", after "reenact" insert "subsection 4 of", and after "section" insert "15-40.1-07.8 or in the alternative to amend and reenact subsection 4 of section 15.1-27-11, and section"

Page 1, line 4, after "to" insert "supplemental payments and" and after "instruction" insert "; and to declare an emergency"

Page 1, line 14, replace "12,273,865" with "12,170,316"

Page 1, line 15, replace "17,431,193" with "17,031,193"

Page 1, line 18, replace "485,542,761" with "461,035,668"

Page 1, after line 18, insert:  
"Grants - Teacher compensation payments 46,640,055"

Page 1, line 21, replace "51,260,000" with "49,898,695"

Page 1, line 22, replace "149,970,455" with "149,350,263"

Page 1, line 23, replace "50,000" with "100,000"

Page 1, line 24, replace "33,000" with "20,000"

Page 2, line 1, replace "787,839,439" with "807,524,355"

Page 2, line 2, replace "237,017,455" with "237,044,955"

Page 2, line 3, replace "550,821,984" with "570,479,400"

Page 2, line 24, replace "2,594,638" with "2,668,958"

Page 2, line 28, replace "3,332,292" with "3,406,612"

Page 2, line 29, replace "1,283,501" with "1,357,821"

Page 2, line 31, replace "560,965,732" with "580,623,148"

Page 3, line 1, replace "240,995,437" with "241,097,257"

Page 3, line 2, replace "801,961,169" with "821,720,405"

Page 3, line 16, replace "\$33,000" with "\$20,000"

Page 3, after line 20, insert:

**"SECTION 5. NATIONAL BOARD CERTIFICATION - USE OF FUNDS APPROPRIATED BY THE FIFTY-SIXTH LEGISLATIVE ASSEMBLY.** Notwithstanding section 4 of chapter 35 of the 1999 Session Laws, the education standards and practices board may use up to \$7,000 of the amount appropriated by the fifty-sixth legislative assembly for the national board certification program to provide stipends to teachers receiving national board certification during the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 6. LEGISLATIVE INTENT - POSITION TRANSFERS - DIVISION OF INDEPENDENT STUDY.** It is the intent of the fifty-seventh legislative assembly that for the biennium beginning July 1, 2001, and ending June 30, 2003, the department of public instruction be authorized to have no more than 130.95 full-time equivalent positions and that no more than 37.7 of these positions be allocated to the division of independent study. The department of public instruction may not transfer any positions between the division of independent study and other divisions of the department without first obtaining approval of the budget section of the legislative council.

**SECTION 7. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS.** It is the intent of the fifty-seventh legislative assembly that the department of public instruction base budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, include no more than 129.95 full-time equivalent positions."

Page 4, line 4, after "15-40.1-07.6" insert "or 15.1-27-10"

Page 4, line 6, after "15-40.1-07.6" insert "or 15.1-27-10"

Page 4, line 20, after "15-40.1-07.7" insert "or 15.1-27-12" and after "paid" insert "using"

Page 5, after line 7, insert:

**"SECTION 15. AMENDMENT.** If House Bill No. 1045 does not become effective, subsection 4 of section 15-40.1-07.8 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. Multiply the result determined under subsection 3 by ~~thirty percent~~ a factor determined by the superintendent of public instruction. The result is the supplemental payment to which a high school district is entitled, in addition to any other amount provided under chapter 15-40.1."

Page 5, after line 14, insert:

**"SECTION 17. AMENDMENT.** Subsection 4 of section 15.1-27-11 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

4. Multiply the result determined under subsection 3 by ~~thirty percent~~ a factor determined by the superintendent of public instruction. The result is the supplemental payment to which a high school district is entitled, in addition to any other amount provided under chapter 15.1-27.

**SECTION 18. EMERGENCY.** Sections 5, 15, and 17 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1013 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Department of Public Instruction			
Total all funds	\$787,839,439	\$19,684,916	\$807,524,355
Less estimated income	237,017,455	27,500	237,044,955
General fund	\$550,821,984	\$19,657,416	\$570,479,400
State Library			
Total all funds	\$4,713,513	\$0	\$4,713,513
Less estimated income	1,598,857		1,598,857
General fund	\$3,114,656	\$0	\$3,114,656
School for the Deaf			
Total all funds	\$6,075,925	\$0	\$6,075,925
Less estimated income	1,095,624		1,095,624
General fund	\$4,980,301	\$0	\$4,980,301
School for the Blind			
Total all funds	\$3,332,292	\$74,320	\$3,406,612
Less estimated income	1,283,501	74,320	1,357,821
General fund	\$2,048,791	\$0	\$2,048,791
Bill Total			
Total all funds	\$801,961,169	\$19,759,236	\$821,720,405
Less estimated income	240,995,437	101,820	241,097,257
General fund	\$560,965,732	\$19,657,416	\$580,623,148

House Bill No. 1013 - Department of Public Instruction - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$12,273,865	(\$103,549)	\$12,170,316
Operating expenses	17,431,193	(400,000)	17,031,193
Equipment	534,140		534,140
Capital improvements	55,000		55,000
Grants - Foundation aid and transportation	485,542,761	(24,507,093)	461,035,668
Grants - Teacher compensation payments		46,640,055	46,640,055
Grants - Revenue supplement payments	3,450,000		3,450,000
Grants - Tuition apportionment	67,239,025		67,239,025
Grants - Special education	51,260,000	(1,361,305)	49,898,695
Grants - Other grants	149,970,455	(620,192)	149,350,263
Geographic education	50,000	50,000	100,000
National board certification	33,000	(13,000)	20,000
Total all funds	\$787,839,439	\$19,684,916	\$807,524,355
Less estimated income	237,017,455	27,500	237,044,955
General fund	\$550,821,984	\$19,657,416	\$570,479,400
FTE	131.95	(1.00)	130.95

Dept. 201 - Department of Public Instruction - Detail of House Changes

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	REMOVE FUNDING FOR STUDENT DATA BASE <sup>2</sup>	TRANSFER FUNDING FROM OPERATING EXPENSES - INCREASE GRANTS TO LEAD <sup>3</sup>	INCREASE OPERATING EXPENSES FOR THE DIVISION OF INDEPENDENT STUDY <sup>4</sup>	REDUCE GRANTS FOR THE GOVERNOR'S SCHOOL <sup>5</sup>	REMOVE FUNDING FOR QUALITY SCHOOLS COMMISSION <sup>6</sup>
Salaries and wages	(\$3,549)					
Operating expenses		(\$412,500)	(\$15,000)	\$27,500		
Equipment						
Capital improvements						
Grants - Foundation aid and transportation						
Grants - Revenue supplement payments						
Grants - Tuition apportionment						
Grants - Special education			15,000			
Grants - Other grants					(\$60,000)	(\$575,192)
Geographic education						
National board certification						
Grants - Teacher compensation payments						
Total all funds	(\$3,549)	(\$412,500)	\$0	\$27,500	(\$60,000)	(\$575,192)
Less estimated income				27,500		
General fund	(\$3,549)	(\$412,500)	\$0	\$0	(\$60,000)	(\$575,192)
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	ADD FUNDING FOR GEOGRAPHIC	REDUCE FUNDING FOR NATIONAL BOARD	REMOVE FTE - REDUCE	DECREASE SPECIAL EDUCATION TO REFLECT TEACHER	ADD FUNDING FOR TEACHER	DECREASE

	EDUCATION GRANTS <sup>7</sup>	CERTIFICATION PROGRAM <sup>8</sup>	SALARIES AND WAGES <sup>9</sup>	COMPENSATION PAYMENTS <sup>10</sup>	COMPENSATION PAYMENTS <sup>10</sup>	FOUNDATION AID <sup>10</sup>
Salaries and wages			(\$100,000)			
Operating expenses						
Equipment						
Capital improvements						
Grants - Foundation aid and transportation						(\$24,507,093)
Grants - Revenue supplement payments						
Grants - Tuition apportionment						
Grants - Special education				(\$1,361,305)		
Grants - Other grants						
Geographic education	\$50,000					
National board certification		(\$13,000)				
Grants - Teacher compensation payments					\$46,640,055	
Total all funds	\$50,000	(\$13,000)	(\$100,000)	(\$1,361,305)	\$46,640,055	(\$24,507,093)
Less estimated income						
General fund	\$50,000	(\$13,000)	(\$100,000)	(\$1,361,305)	\$46,640,055	(\$24,507,093)
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

TOTAL  
HOUSE  
CHANGES

Salaries and wages	(\$103,549)
Operating expenses	(400,000)
Equipment	
Capital improvements	
Grants - Foundation aid and transportation	(24,507,093)
Grants - Revenue supplement payments	
Grants - Tuition apportionment	
Grants - Special education	(1,361,305)
Grants - Other grants	(620,192)
Geographic education	50,000
National board certification	(13,000)
Grants - Teacher compensation payments	46,640,055
Total all funds	\$19,684,916
Less estimated income	<u>27,500</u>
General fund	\$19,657,416
FTE	(1.00)

<sup>1</sup> The amount provided for a market equity salary increase for the Superintendent of Public Instruction is reduced from \$14,528 to \$10,979. The amount included in the bill will provide for a monthly increase of \$522 per month for the last 18 months of the biennium.

<sup>2</sup> Funding is removed for the development of a student data base. The Schafer executive budget recommendation includes an appropriation to the Department of Public Instruction for the project. The Hoeven budget recommendation includes an appropriation to the Information Technology Department for the project. This change is included in the Hoeven budget recommendation.

<sup>3</sup> Funding is transferred from operating expenses to the other grants line item to increase grants to the LEAD consortium from \$200,000 to \$215,000. The additional grants are to fund the Spelling Bee and Math Counts programs.

<sup>4</sup> Other funds spending authority, derived from fees generated by the Division of Independent Study, is added to restore operating expenses to the amount included in the division's base budget request. This change is included in the Hoeven budget recommendation.

<sup>5</sup> Funding for the Governor's School program is reduced by \$60,000, from \$205,000 to \$145,000. The \$145,000 amount included in the House version is the same as the amount appropriated for the 1999-2001 biennium.

<sup>6</sup> Funding is removed for the Quality Schools Commission. The Schafer executive budget recommendation includes an appropriation of \$575,192 to the Department of Public Instruction for a grant to the commission. The Hoeven budget recommendation includes an appropriation of \$505,197 to the Governor's office for the expenses of the commission. This change is included in the Hoeven budget recommendation.

<sup>7</sup> Funding is added for geographic education grants. The grant will be provided to the North Dakota geographic alliance and will be matched with approximately \$400,000 of other funds from the National Geographic Society and other sources to establish a North Dakota geographic education endowment fund. The income of the endowment fund will be used to partially fund the operations of the North Dakota geographic alliance, which provides geography instruction training and materials to North Dakota teachers.

<sup>8</sup> Funding is reduced from \$33,000 to \$20,000 for a grant to the Education Standards and Practices Board for the national board certification program. The amount included in the House version is the same as the amount appropriated for the 1999-2001 biennium.

<sup>9</sup> Funding for salaries and wages is reduced by \$100,000 from the general fund to reflect the reduction of 1 FTE position to be determined by the department.

<sup>10</sup> The Schafer executive recommendation for foundation aid and special education aid is reduced and funding is added for teacher compensation payments, as follows:

	SCHAFER EXECUTIVE BUDGET	HOEVEN BUDGET	HOUSE VERSION
Foundation aid	\$485,542,761	\$457,666,148	\$461,035,668
Teacher compensation payments		<u>50,009,575</u>	<u>46,640,055</u>



Total foundation aid and teacher compensation	\$485,542,761	\$507,675,723	\$507,675,723
Special education aid	\$51,260,000	\$49,898,695	\$49,898,695
Per student payment amounts			
First year	\$2,323	\$2,240	\$2,255
Second year	\$2,420	\$2,250	\$2,278
Teacher payment amounts			
First year	N/A	\$2,000	\$1,750
Second year	N/A	<u>3,500</u>	<u>3,500</u>
Biennium total per teacher FTE	N/A	\$5,500	\$5,250
Qualifying teacher FTE positions	N/A	9,092.65	8,883.82

This amendment also:

- Adds a new Section 5, which allows the Education Standards and Practices Board to use up to \$7,000 of the amount appropriated by the Fifty-sixth Legislative Assembly for the national board certification program to pay stipends to teachers receiving national board certification during the 1999-2001 biennium. An emergency clause is added to make this section effective upon passage of the bill.
- Adds a new Section 6, which provides that the department may not transfer any FTE positions between the Division of Independent Study and the other divisions of the department without first obtaining approval of the Budget Section.
- Adds a new Section 7, which provides legislative intent that the department's 2003-05 biennium budget request contain no more than 129.95 FTE positions, 1 FTE less than the number authorized in the House version for the 2001-03 biennium. Although the agency is provided the authority to determine the specific position eliminated, the reduction is to reflect potential savings resulting from Information Technology Department statewide initiatives, which may result in a reduction in data collection responsibilities for the Department of Public Instruction.
- Adds new Sections 15 and 17 to provide statutory changes relating to the supplemental payment program currently authorized by North Dakota Century Code Section 15-40.1-07.8. The statutory formula limits the payment to each qualifying district and for the 1999-2001 biennium will result in the Department of Public Instruction being unable to distribute the entire legislative appropriation. This amendment allows the department to adjust the formula to allow the distribution of all appropriated funds. An emergency clause is added for this section to allow the 1999-2001 biennium appropriation for these payments to be distributed.

**House Bill No. 1013 - School for the Blind - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$2,594,638	\$74,320	\$2,668,958
Operating expenses	652,238		652,238
Equipment	60,000		60,000
Capital improvements	<u>25,416</u>		<u>25,416</u>
Total all funds	\$3,332,292	\$74,320	\$3,406,612
Less estimated income	<u>1,283,501</u>	<u>74,320</u>	<u>1,357,821</u>
General fund	\$2,048,791	\$0	\$2,048,791
FTE	28.00	1.00	28.00

**Dept. 253 - School for the Blind - Detail of House Changes**

	ADD TRAINING OFFICER II POSITION <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$74,320	\$74,320
Operating expenses		
Equipment		
Capital improvements		
Total all funds	\$74,320	\$74,320
Less estimated income	<u>74,320</u>	<u>74,320</u>
General fund	\$0	\$0
FTE	1.00	1.00

<sup>1</sup> This amendment adds 1 FTE and other funds spending authority for a training officer II position requested by the agency but not included in the Schafer or Hoeven budget recommendations. The other funds are from special fund sources to be determined by the agency. The position is to provide technology training to agency clients in western North Dakota.

**REPORT OF STANDING COMMITTEE**

**HB 1015: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1015 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 5, after "adjustments" insert "; to provide for a reduction in fire and tornado insurance premiums; and to provide for a statewide radio system planning fund assessment"

Page 1, line 15, replace "14,157,807" with "14,057,270"

Page 1, line 16, replace "12,307,126" with "12,330,726"

Page 1, line 17, replace "244,500" with "239,500"

Page 1, line 21, replace "68,122,987" with "68,041,050"

Page 1, line 23, replace "20,375,542" with "20,293,605"

Page 2, line 6, replace "524,432" with "924,432"

Page 2, line 7, replace "4,715,752" with "4,315,752"

Page 2, line 8, replace "25,091,294" with "24,609,357"

Page 2, line 9, replace "48,271,877" with "48,671,877"

Page 2, line 10, replace "73,363,171" with "73,281,234"

Page 5, line 21, replace "**ENGINEERING PLAN - STATE RADIO**" with "**PLANNING FUND**"

Page 5, line 22, remove "**COMMUNICATIONS**" and replace "amount of" with "estimated income line item included in subdivision 2 of section 1 of this Act includes"

Page 5, line 23, remove "included in the operating expenses line item in subdivision 2 of section 1 of this Act, is"

Page 5, line 24, replace "spent by" with "made available to", replace ", on" with "from the statewide radio system planning fund for developing", and remove the second comma

Page 5, line 25, replace ", only when the director of the office" with a period

Page 5, replace lines 26 through 31 with:

**"SECTION 14. REDUCTION IN STATE FIRE AND TORNADO INSURANCE PREMIUM.** Notwithstanding section 26.1-22-14 and other sections in chapter 26.1-22, the commissioner of insurance shall reduce the insurance premium of every entity insured with the state fire and tornado fund for the first year of the biennium beginning July 1, 2001, and ending June 30, 2003. The reduction for each entity is fifteen percent of the insurance premium paid by that entity for the fiscal year ending June 30, 2001.

**SECTION 15. STATEWIDE RADIO SYSTEM PLANNING FUND ASSESSMENT.** The commissioner of insurance shall assess and collect from every entity insured with the state fire and tornado fund a statewide radio system planning fund assessment in an amount equal to twelve and one-half percent of the entity's insurance premium for the first year of the biennium beginning July 1, 2001, and ending June 30, 2003. The commissioner shall use the applicable collection procedures provided for in chapter 26.1-22 to collect the statewide radio system planning fund assessments and deposit all money collected under this section in the statewide radio system planning fund.

**SECTION 16. STATEWIDE RADIO SYSTEM PLANNING FUND.** There is created in the state treasury a statewide radio system planning fund. The fund consists of statewide radio system planning fund assessment money collected by the commissioner of insurance under section 15 of this Act. The money in this fund is to be used by state radio communications for a statewide radio system engineering plan. Any

excess funds remaining in this fund on June 30, 2003, must be deposited in the state fire and tornado fund.

**SECTION 17. FEDERAL PROGRAM TERMINATIONS - BLOCK GRANT - FUNDING REDUCTIONS - RELATED PROGRAM REDUCTIONS - REPORTS TO THE BUDGET SECTION.** If the federal government during the 2001-03 biennium terminates funding for any program administered by an agency, department, or institution of the state of North Dakota, the agency, department, or institution, subject to budget section approval, may terminate the program and not replace the reduction in federal funds with state funds, notwithstanding any other provision of law. If the federal government combines funding for separate programs in a block grant resulting in a reduction of total federal funds available for those programs, the administering agency, department, or institution may, subject to budget section approval, prioritize or reprioritize programs as necessary in making programmatic reductions. The agency, department, or institution may administer funds available under a new federal block grant or similar measure, consistent with the terms of that measure, notwithstanding any other provision of law intended to conform to or implement the provisions of the repealed federal Act, and shall report any program terminations, reductions, or changes resulting from this section to the budget section of the legislative council for its approval."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Office of Management and Budget			
Total all funds	\$68,122,987	(\$281,937)	\$68,041,050
Less estimated income	47,747,445		47,747,445
General fund	\$20,375,542	(\$281,937)	\$20,293,605
Radio Communications			
Total all funds	\$5,240,184	\$0	\$5,240,184
Less estimated income	524,432	400,000	924,432
General fund	\$4,715,752	(\$400,000)	\$4,315,752
Bill Total			
Total all funds	\$73,363,171	(\$281,937)	\$73,281,234
Less estimated income	48,271,877	400,000	48,671,877
General fund	\$25,091,294	(\$481,937)	\$24,609,357

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

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$14,157,807	(\$100,537)	\$14,057,270
Operating expenses	12,307,126	23,600	12,330,726
Equipment	244,500	(5,000)	239,500
Capital improvements	1,320,620		1,320,620
Grants	34,692,934		34,692,934
Statewide compensation plan	5,400,000		5,400,000
Total all funds	\$68,122,987	(\$81,937)	\$68,041,050
Less estimated income	47,747,445		47,747,445
General fund	\$20,375,542	(\$81,937)	\$20,293,605
FTE	153.00	(1.00)	152.00

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

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	REMOVE FUNDING RELATED TO NEW STATE PROCUREMENT OFFICER FTE	PROVIDE FUNDING FOR PROVIDING SERVICES RELATING TO CONTRACTS FOR SERVICE	TOTAL HOUSE CHANGES
Salaries and wages	\$88	(\$100,625)		(\$100,537)
Operating expenses		(31,400)	\$55,000	23,600
Equipment		(5,000)		(5,000)
Capital improvements				
Grants				
Statewide compensation plan				
Total all funds	\$88	(\$137,025)	\$55,000	(\$81,937)
Less estimated income				
General fund	\$88	(\$137,025)	\$55,000	(\$81,937)

FTE 0.00 (1.00) 0.00 (1.00)

<sup>1</sup> This amendment increases, from \$3,291 to \$3,379, the amount provided for a market equity salary increase for the director of Central Personnel. The amount included in the bill will provide for a monthly increase of \$161 and related fringe benefits for the last 18 months of the biennium.

### House Bill No. 1015 - Radio Communications - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$2,655,238		\$2,655,238
Operating expenses	2,270,810		2,270,810
Equipment	314,136		314,136
Total all funds	\$5,240,184	\$0	\$5,240,184
Less estimated income	524,432	400,000	924,432
General fund	\$4,715,752	(\$400,000)	\$4,315,752
FTE	31.00	0.00	31.00

### Dept. 506 - Radio Communications - Detail of House Changes

	FUNDING SOURCE CHANGE 1	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Total all funds	\$0	\$0
Less estimated income	400,000	400,000
General fund	(\$400,000)	(\$400,000)
FTE	0.00	0.00

<sup>1</sup> This amendment changes the source of funding for the development of a statewide radio system engineering plan from the general fund to special funds that will be collected in a statewide radio system planning fund.

### House Bill No. 1015 - Other Changes - House Action

This amendment also adds sections which:

- Provide for a reduction in state fire and tornado insurance premiums.
- Provide for a statewide radio system planning fund assessment.
- Establish a statewide radio system planning fund.
- Provide that if federal funding for a program is terminated during the 2001-03 biennium, the administering state agency, department, or institution may terminate the program with the approval of the Budget Section and if the federal government reduces federal funding by combining the funding for separate programs into a block grant, the agency, department, or institution shall prioritize or reprioritize as necessary with the approval of the Budget Section.

#### REPORT OF STANDING COMMITTEE

**HB 1037: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1037 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1055: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1055 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1102: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1102 was placed on the Sixth order on the calendar.

Page 2, line 2, after the underscored period insert "This annual benefit adjustment is conditioned on an actuarial test performed annually by the board's actuarial consultant to determine the actuarial adequacy of the statutory contribution rate. The board shall

report the results of the actuarial test annually to the employee benefits programs committee. If the actuarial valuation indicates a shortfall between the actuarially determined benchmark contribution rate and the statutory rate, the board may reduce or suspend the conditional annual benefit adjustments. The actuarial adequacy test fails if one or more of the following are true:

1. The shortfall is greater than six-tenths of one percent in any year;
2. The shortfall is greater than three-tenths of one percent in any two consecutive years; or
3. A shortfall exists in three consecutive years."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1108: 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 1108 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to victims of domestic violence;"

Page 3, line 12, remove "domestic violence perpetrated against a"  
insert "including a parent subject to domestic violence as defined in section 14-07.1-01"

Page 6, line 15, replace "identified" with "identical"

Page 6, after line 16, insert:

**"SECTION 5.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

#### Victims of domestic violence - Duties of state agency.

1. The state agency shall:
  - a. Inform all temporary assistance for needy families applicants and recipients of the options available under the domestic violence option;
  - b. Screen all applicants to determine who are past or present victims of domestic violence or at risk of further domestic violence;
  - c. Refer these individuals to a local domestic violence sexual assault organization for safety planning and supportive services; and
  - d. Determine if good cause exists to waive work requirements or time limits on receipt of benefits for victims of domestic violence.
2. For purposes of this section:
  - a. "Domestic violence option" means the provision of title IV-A under which a state may elect to implement a special program to serve victims of domestic violence.
  - b. "Domestic violence sexual assault organization" has the meaning provided in section 14-07.1-01.
  - c. "Victims of domestic violence" means a person subject to domestic violence as defined in section 14-07.1-01."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1115: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1115 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "shall" with "may"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 325 - Department of Human Services**

HOUSE - This amendment provides that the Department of Human Services may provide a personal care option benefit program under medical assistance for individuals residing in basic care facilities rather than requiring the department to provide this option.

**REPORT OF STANDING COMMITTEE**

**HB 1141: 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 1141 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for distribution of appropriated funds for the school district"

Page 1, line 2, remove "reorganization bonus; and"

Page 4, line 9, remove "The superintendent shall distribute"

Page 4, remove line 10

Page 4, remove lines 18 through 31

Page 5, remove lines 1 through 3

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 201 - Department of Public Instruction - House Action**

This amendment removes Section 3 of the bill, which limited school district reorganization bonuses to \$500,000 and authorized the Department of Public Instruction to spend up to \$5,000,000 of the foundation aid line item for the payment of reorganization bonuses, after the payment of all statutory obligations for the 2001-03 biennium.

**REPORT OF STANDING COMMITTEE**

**HB 1200: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1200 was placed on the Sixth order on the calendar.

Page 1, line 2, after "County" insert "and to authorize the Williston research extension center to purchase certain land in Williams County"

Page 1, line 6, replace "section" with "subsection"

Page 1, line 10, after the period insert "The Williston research extension center may purchase the land described in this subsection for the price and on the terms as determined by the Williston research extension center. The land to be purchased is the northwest quarter of section thirteen, township one hundred fifty-four north, range ninety-seven west, Williams County, North Dakota.

3."

Page 1, line 11, replace "purchase" with "purchases"

Page 1, line 17, after "center" insert "and the sum of \$61,000, or so much of the sum as may be necessary, from any moneys in the general fund in the state treasury, not otherwise appropriated, and \$24,000 from other funds, to the Williston research extension center for the purpose of purchasing land for research extension purposes in Williams County"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1208: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1208 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "The" with "Upon certification by the department that federal funds have been received and will be used to pay the cost of DNA testing ordered by the court, the"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1217: Appropriations Committee (Rep. Timm, Chairman)** recommends **DO PASS** (12 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). HB 1217 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1269: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1269 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 two new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident hunting fees; to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting zones; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-07.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.1. Nonresident waterfowl hunting license required- Zones.** Except as otherwise provided in sections 20.1-03-07.2 and 20.1-03-07.3 and this section, a nonresident may not hunt waterfowl unless that person first obtains a nonresident waterfowl hunting license, ~~in addition to a nonresident small game hunting license.~~ The nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days, any period of seven consecutive days, or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. ~~A license authorizing one 7-day hunting period allows hunting statewide.~~ A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. ~~The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued.~~ A nonresident all season waterfowl hunting license allows hunting in zone 1. A combination nonresident all season waterfowl and nonresident small game hunting license allows hunting in zone 1. A nonresident who purchases a nonresident all season waterfowl hunting license is not required to purchase a nonresident small game hunting license and the combination nonresident all season waterfowl and nonresident small game hunting license entitles the nonresident to hunt waterfowl in zone 1 and upland game statewide. Zones and the maximum number of licenses that may be issued in each zone are:

1. Zone 1 - that portion of the state north of a line described as follows: North Dakota highway 200 beginning at the Minnesota border, thence west to its intersection with United States highway 52, thence northwest along United States highway 52 to its intersection with United States highway 2, thence west along United States highway 2 to the Montana border - up to thirteen thousand licenses.
2. Zone 2 - that portion of the state south of North Dakota highway 200 and east of United States highway 281 - up to two thousand five hundred licenses.
3. Zone 3 - the remainder of the state - up to eight thousand licenses.

The governor, in the governor's proclamation, may specify the number and the manner in which licenses are to be issued. The governor shall make twenty-five percent of the nonresident waterfowl hunting licenses in any zone available to certified guides licensed in this state until July thirty-first of each year. Any licenses designated for certified guides remaining after July thirty-first of each year must be made available to nonresidents. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

**SECTION 2.** Two new subsections to section 20.1-03-12 of the 1999 Supplement to the North Dakota Century Code are created and enacted as follows:

For a nonresident all season waterfowl hunting license, one hundred thirty dollars.

For a combination nonresident all season waterfowl and nonresident small game hunting license, one hundred seventy dollars.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1273: Appropriations Committee (Rep. Timm, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (16 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1273 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1281: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1281 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 4, after "appropriation" insert "; and to provide an expiration date"

Page 5, after line 12, insert:

**"SECTION 8. EXPIRATION DATE.** This Act is effective through June 30, 2005, and after that date is ineffective."

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment adds a section that provides that the bill is effective through June 30, 2005, and after that date is ineffective.

#### REPORT OF STANDING COMMITTEE

**HB 1328: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1328 was placed on the Sixth order on the calendar.

Page 2, line 20, after the underscored period insert "The committee shall report to the budget section of the legislative council on grants awarded under this subsection."

Page 2, line 22, replace "minor use pesticide" with "environment and rangeland protection"

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Dept. 160 - Legislative Council - House Action

This amendment changes the source of funds for the \$300,000 appropriation to the Legislative Council from the minor use pesticide fund to the environment and rangeland protection fund. A



provision is added requiring the Crop Harmonization Committee to report to the Budget Section on the grants it awards.

**REPORT OF STANDING COMMITTEE**

**HB 1333: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, ABSENT AND NOT VOTING). HB 1333 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1349: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1349 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, remove lines 11 through 15

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 602 - Agriculture Department - House Action**

This amendment removes the \$150,000 general fund appropriation to the Agriculture Department for the Ag in the Classroom program.

**REPORT OF STANDING COMMITTEE**

**HB 1376: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). HB 1376 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "allocating and"

Page 1, line 16, replace "from the tobacco" with "of the amount to be allocated to the common schools trust fund"

Page 1, line 17, remove "settlement trust fund"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1419: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1419 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "the insurance commissioner to perform a" with "a legislative council study of"

Page 1, line 2, remove "study"

Page 1, replace lines 4 through 13 with:

**"SECTION 1. LEGISLATIVE COUNCIL STUDY OF WORKERS' COMPENSATION INSURANCE.** The legislative council shall contract with an industry expert during the 2001-02 interim to conduct an independent study of the effects of competition on workers' compensation premiums, anticipated impacts on rates, service provided to injured workers, and coverage of small, medium, and large employers. The independent study must determine whether the state has a large enough economic base to support workers' compensation competition and the feasibility and desirability of allowing employers to obtain private insurance or be self-insured for purposes of workers' compensation. The legislative council shall report its recommendations to the fifty-eighth legislative assembly and to the workers compensation board of directors."

Page 1, line 16, replace "insurance commissioner" with "legislative council"

Page 1, line 17, after "insurance" insert "under section 1 of this Act"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

HOUSE - This Amendment provides that the Legislative Council instead of the Insurance Commissioner shall conduct a study of workers' compensation insurance during the 2001-02 interim and report recommendations to the Fifty-eighth Legislative Assembly and the Workers Compensation Board of Directors.

**REPORT OF STANDING COMMITTEE**

**HB 1441: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1441 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "subdivision a of subsection 6 of" and replace "50-29-04" with "50-29-03"

Page 1, line 9, replace "minors" with "children and families coverage groups"

Page 1, line 10, replace "Subdivision a of subsection 6 of section 50-29-04" with "Section 50-29-03"

Page 1, replace lines 12 and 13 with:

**"50-29-03. Duties of county agency.** In the administration of the plan, ~~unless the department otherwise establishes eligibility,~~ the county agency shall:

1. Administer the plan under the direction and supervision of the department; and
2. Make an investigation and record the circumstances of each applicant, obtaining information as may be required by the department."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1443: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1443 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 39-06.1-06 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to speed limit fees; and to" and replace "subsections 3 and" with "subsection"

Page 1, line 3, replace "30" with "34"

Page 1, line 5, replace "limits" with "limit fees and demerit points"

Page 1, line 7, replace "Subsections 3 and" with "Subsection"

Page 1, line 8, replace "are" with "is"

Page 1, remove lines 9 through 21

Page 2, line 5, remove the overstrike over "25" and remove "50"

Page 2, replace lines 9 through 31 with:

**"SECTION 2. AMENDMENT.** Paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- (34) On a highway on which the speed limit is a speed higher than fifty-five miles [88.51

kilometers] an hour, operating a  
 motor vehicle in excess of the  
 speed limit in violation of  
 section 39-09-02, or equivalent  
 ordinance

Miles per hour over lawful speed limit	Points
<del>6-10</del>	4
11 - 15	4 <u>2</u>
16 - <del>25</del> <u>20</u>	7 <u>4</u>
<u>21 - 25</u>	<u>6</u>
26 - 35	40 <u>9</u>
36 + - <u>45</u>	12
<u>46 +</u>	<u>15</u>

Page 3, remove lines 1 through 7

Page 4, line 7, remove the overstrike over "; and on paved two-lane highways if there is no speed limit posted or"

Page 4, remove the overstrike over line 8

Page 4, line 9, remove the overstrike over "sunrise,"

Page 4, line 10, remove the overstrike over "if"

Page 4, remove the overstrike over line 11

Page 4, line 12, remove the overstrike over "sunset and if posted for that speed,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1478: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1478 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "The amount charged may not exceed twenty dollars per day."

Page 1, line 20, after "reimbursement" insert "and after notice to the inmate and opportunity for a hearing" and replace "shall" with "may"

Page 1, line 22, replace the third "the" with "a"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3049: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR 3049 was placed on the Sixth order on the calendar.

Page 1, line 6, after "adults" insert "and children" and remove "from 12.9 percent in 1991 to 18.7"

Page 1, line 7, remove "percent in 1998"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3050: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3050 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Services" insert "or moving some divisions or functions to the Department of Health or other state agencies"

Page 1, line 8, replace "would" with "may" and replace "if the department offered a "one-stop" access to services" with "through restructuring"

Page 1, line 9, replace the first "the" with "a study of", remove the first "of", and replace "within" with "and restructuring"

Page 1, line 14, after "Services" insert "or moving some divisions or functions to the Department of Health or other state agencies"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3052: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3052 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3054: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3055: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3055 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3057: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3057 was placed on the Sixth order on the calendar.

Page 1, line 14, after "of" insert "state, national, and global"

Page 1, line 15, after "future" insert "short-term and long-term" and remove "for 5, 10, 25, and 50 years"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3059: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, ABSENT AND NOT VOTING). HCR 3059 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3060: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3060 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3061: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3061 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3063: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3063 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3064: 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). HCR 3064 was placed on the Sixth order on the calendar.

Page 1, line 2, after "employers" insert ", employees"

Page 1, line 18, after "employers" insert ", employees"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3068: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HCR 3068 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2341: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2341 was placed on the Sixth order on the calendar.

Page 1, line 21, after "blood" insert ", marriage."

Page 6, line 11, after "blood" insert ", marriage."

Page 7, line 28, after "blood" insert ", marriage."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2349: 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). SB 2349 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for reports on the beginning entrepreneur loan guarantee program; to provide a statement of legislative intent;"

Page 1, line 16, overstrike "five", after "~~thousand~~" insert "four", and after "loans" insert "outstanding"

Page 1, after line 17, insert:

**"SECTION 2. REPORT ON THE BEGINNING ENTREPRENEUR LOAN GUARANTEE PROGRAM.** The Bank of North Dakota shall report the status of the beginning entrepreneur loan guarantee program to the standing appropriations committee of each house of the fifty-eighth legislative assembly at the time of the Bank's appropriations hearing.

**SECTION 3. LEGISLATIVE INTENT - BUSINESS STARTUP INFORMATION.** It is the intent of the legislative assembly that the Bank of North Dakota provide each beginning entrepreneur who requests a loan guarantee information regarding other resources and services provided by local, state, federal, or private entities that are available to assist in the startup of a new business."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

HOUSE - This amendment:

- Changes the maximum amount of loans which may be guaranteed under the program from \$5 million to \$4 million.

- Clarifies that only loans outstanding are to be considered in the amount of loans guaranteed under the program.
- Adds a new section requiring the Bank of North Dakota to report to the 58th Legislative Assembly's Appropriations Committees on the status of the beginning entrepreneur program.
- Adds a section of legislative intent that encourages the Bank of North Dakota to provide beginning entrepreneurs information relating to starting a business.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Thursday, February 22, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**