

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

Bismarck, March 28, 2005

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

The prayer was offered by Pastor Rich Lows, First Baptist Church, Lisbon.

The roll was called and all members were present except Representative Nelson.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 25, 2005, I have signed the following: HB 1383 and HB 1413.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 28, 2005, I have signed the following: HB 1051, HB 1116, HB 1130, HB 1140, HB 1141, and HB 1185.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1209 remove lines 30 through 33

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

MOTION

REP. MONSON MOVED that SB 2014, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, SB 2014 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER KLEIN DEEMED approval of SB 2280 and SB 2371.

SB 2280 and SB 2371, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1524: A BILL for an Act to provide for a tribal and state relations committee; and to provide an expiration 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kempenich; Nelson

Engrossed HB 1524 passed and the title was agreed to.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Martinson, Carlisle, Dosch, Keiser, Klemin, L. Meier, Sitte, Weiler and Sens. Dever, Kilzer, Kringstad, Stenejhem introduced:

HCR 3057: A concurrent resolution congratulating Team North Dakota for winning the USA Curling Women's Junior National Championship and wishing Team North Dakota continued success as Team USA in the 2005 Women's Junior World Curling Championship in Italy.

Was read the first time.

MOTION

REP. MONSON MOVED that the rules be suspended, that HCR 3057 not be printed, not be referred to committee, be read in its entirety be printed in the Journal and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Martinson, Carlisle, Dosch, Keiser, Klemin, L. Meier, Sitte, Weiler and Sens. Dever, Kilzer, Kringstad, Stenejhem introduced:

HOUSE CONCURRENT RESOLUTION NO. 3057

A concurrent resolution congratulating Team North Dakota for winning the USA Curling Women's Junior National Championship and wishing Team North Dakota continued success as Team USA in the 2005 Women's Junior World Curling Championship in Italy.

WHEREAS, Team North Dakota, consisting of Gillian Gervais, Sarah Gervais, Stephanie Jensen, Stephanie Sambor, and Amy Hultstrand and coach David Jensen, completed a week of stellar curling by capturing the 2005 USA Curling Women's Junior National Championship in Bismarck; and

WHEREAS, Team North Dakota earned the right and the privilege to represent the United States in competition for the Women's Junior World Curling Championship in competition in Pinerolo, Italy, in March 2005; and

WHEREAS, the sport of curling is known worldwide as being a game of skill and traditions and as stated by the United States Curling Association, "A shot well executed is a delight to see and so, too, it is a fine thing to observe the time-honored tradition of curling being applied in the true spirit of the game";

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

That the Fifty-ninth Legislative Assembly takes great pride in extending congratulations to Team North Dakota for winning the 2005 USA Curling Women's Junior National Championship and wishes Team North Dakota USA good luck and good curling in the true spirit of the game and as ambassadors of the Great State of North Dakota and the United States of America at the Women's Junior World Curling Championship in Italy; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member and the coach of Team North Dakota.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution congratulating Team North Dakota for winning the USA Curling Women's Junior National Championship and wishing Team North Dakota continued success as Team USA in the 2005 Women's Junior World Curling Championship in Italy.

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

HCR 3057 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; and to amend and reenact section 4-02.1-09 of the North Dakota Century Code, relating to compensation of state fair board members.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth;

Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2009 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to create and enact a new subsection to section 39-04-05 and a new subsection to section 39-04-06 of the North Dakota Century Code, relating to mobility impaired parking permits and grounds for refusing or suspending a vehicle registration; and to amend and reenact subdivision I of subsection 2 of section 39-04-18 and subsection 1 of section 57-40.3-01 of the North Dakota Century Code, relating to registration of house mover vehicles and the definition of an all-terrain vehicle.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2101 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to create and enact section 15-20.4-03.1 of the North Dakota Century Code, relating to fees provided to the state board for career and technical education for authorizations to operate private postsecondary institutions; and to amend and reenact sections 15-20.4-04 and 15-20.4-06 and subsection 2 of section 15-20.4-15 of the North Dakota Century Code, relating to authorizations to operate private postsecondary institutions and use of false academic degrees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Damschen; Sitte; Wrangham

ABSENT AND NOT VOTING: Nelson

SB 2120 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to amend and reenact section 14-10-17 of the North Dakota Century Code, relating to treatment for minors.

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 34 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boe; Boucher; Conrad; Delmore; Ekstrom; Glassheim; Gulletson; Haas; Hanson; Hawken; Horter; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsh, S.; Kreidt; Kroeber; Maragos; Metcalf; Meyer, S.; Mueller; Nottestad; Onstad; Pietsch; Potter; Price; Sandvig; Thorpe; Uglem; Zaiser

NAYS: Bellew; Belter; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Headland; Herbel; Iverson; Johnson, D.; Kasper; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Martinson; Meier, L.; Monson; Nicholas; Norland; Owens; Pollert; Porter; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Nelson

SB 2308 lost.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the provision of educational association progress reports; to amend and reenact sections 15.1-07-28, 15.1-09-06, and 15.1-27-40 of the North Dakota Century Code, relating to educational associations governed by joint powers agreements; and to provide for a legislative council study.

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 38 YEAS, 54 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Boe; Boucher; Brandenburg; Carlisle; Carlson; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Grande; Gulletson; Hawken; Headland; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Koppelman; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Norland; Onstad; Owens; Pietsch; Pollert; Sandvig; Skarphol; Thorpe; Wald; Weiler; Wieland; Zaiser

NAYS: Aarsvold; Bellew; Berg; Boehning; Brusegaard; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Haas; Hanson; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Meier, L.; Nicholas; Nottestad; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wall; Weisz; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Bernstein; Nelson

Reengrossed SB 2168 lost.

MOTION

REP. MONSON MOVED that SB 2296 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to lodging expense reimbursement for members of the legislative assembly; to provide for retroactive application; 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 75 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Dietrich; Dosch; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Damschen; Devlin; Drovda; Ekstrom; Froelich; Guleson; Hunskor; Kelsh, S.; Kerzman; Koppelman; Metcalf; Meyer, S.; Monson; Mueller; Porter; Skarphol; Thorpe

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2059 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges; to provide an exemption to section 54-44.1-11 relating to unexpended appropriations; 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 84 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Damschen; Delzer; Froelich; Kasper; Meyer, S.; Pollert; Ruby

ABSENT AND NOT VOTING: Haas; Nelson

SB 2002 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to establish the commission on legal counsel for indigents for the purpose of providing indigent defense services; to amend and reenact section 27-20-49, subsection 2 of section 28-32-01, and subsections 1 and 4 of section 29-07-01.1 of the North Dakota Century Code, relating to the commission; to provide for a report to the legislative council; to provide an appropriation; to provide for transition; 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 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Kasper; Wrangham

ABSENT AND NOT VOTING: Brandenburg; Nelson

Reengrossed SB 2027 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2067: A BILL for an Act to amend and reenact sections 5-01-08 and 5-02-06 of the North Dakota Century Code, relating to the use of alcohol by a person under twenty-one years of age; 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 79 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Vigesaas; Wald; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Delzer; Dietrich; Dosch; Drovdal; Froelich; Hawken; Horter; Kempenich; Ruby; Timm; Weiler; Wrangham

ABSENT AND NOT VOTING: Nelson; Uglem

Engrossed SB 2067 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to create and enact chapter 26.1-25.2 of the North Dakota Century Code, relating to personal insurance loss history information.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter;

Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Klein

NAYS: Boe; Clark; Drovdal; Froseth; Herbel; Kaldor; Keiser; Kingsbury; Uglen; Wald; Williams

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2186 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to conference attendance by school personnel; to amend and reenact sections 15.1-06-02, 15.1-06-04, 15.1-06-06, 15.1-21-12, and 15.1-27-35 of the North Dakota Century Code, relating to professional development days and school approval; and to repeal section 15.1-09-42 of the North Dakota Century Code, relating to conference attendance by school personnel.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 33 YEAS, 60 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Brandenburg; Carlson; Clark; Damschen; Delzer; Dietrich; Dosch; Drovdal; Galvin; Grande; Headland; Iverson; Johnson, N.; Kasper; Kempenich; Koppelman; Meier, L.; Pietsch; Potter; Rennerfeldt; Ruby; Sitte; Skarphol; Thoreson; Timm; Uglen; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Charging; Conrad; DeKrey; Delmore; Devlin; Ekstrom; Froelich; Froseth; Glassheim; Gulleson; Haas; Hanson; Hawken; Herbel; Horter; Hunsakor; Johnson, D.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pollert; Porter; Price; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Vigesaa; Wall; Williams; Zaiser

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2358 lost.

MOTION

REP. MONSON MOVED that the House stand in recess until 4:30 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to amend and reenact sections 23-11-01, 23-11-03, 23-11-11, 23-11-14, 23-11-20, 23-11-21, 23-11-23, 23-11-24, and 23-11-29 of the North Dakota Century Code, relating to housing authority jurisdiction; 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 53 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Brandenburg; Charging; Conrad; DeKrey; Delmore; Devlin; Dietrich; Ekstrom; Froseth; Glassheim; Gulleson; Haas; Hanson; Hawken; Herbel; Horter; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kretschmar; Kroeber; Maragos; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Nottestad; Onstad; Owens; Pietsch; Potter; Price; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Uglen; Vigesaa; Weisz; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; Damschen; Delzer; Dosch; Drovdal; Froelich; Galvin; Grande; Headland; Iverson;

Kasper; Keiser; Kelsch, R.; Kempenich; Koppelman; Kreidt; Martinson; Meier, L.; Norland; Pollert; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Thoreson; Timm; Wald; Wall; Weiler; Wieland; Wrangham

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2227 passed, the title was agreed to, but the emergency clause lost.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to create and enact chapter 43-53 of the North Dakota Century Code, relating to creation of the North Dakota marriage and family therapy licensure board; to provide a penalty; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Boe; Boucher; Delzer; Kaldor; Kerzman; Pollert; Porter; Ruby; Weiler; Weisz

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2269 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to create and enact a new subsection to section 57-38.6-03 of the North Dakota Century Code, relating to agricultural business investment income tax credits; to amend and reenact sections 57-38.6-01, 57-38.6-02, 57-38.6-03, and 57-38.6-04 of the North Dakota Century Code, relating to agricultural business investment income tax credits; 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 92 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Carlson

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2281 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that SB 2301 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to amend and reenact section 28-20-34 of the North Dakota Century Code, relating to postjudgment interest.

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 74 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boe; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Bellew; Boehning; DeKrey; Delzer; Devlin; Dosch; Gulleeson; Hunskor; Kasper; Kelsch, R.; Klemin; Meier, L.; Meyer, S.; Onstad; Porter; Potter; Svedjan; Wieland

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2302 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to amend and reenact sections 16.1-07-01, 16.1-07-05, 16.1-07-06, 16.1-07-08, 16.1-07-08.1, and 16.1-07-12 of the North Dakota Century Code, relating to absentee voting.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Nelson; Thorpe

Engrossed SB 2336 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to create and enact a new section to chapter 23-06.5 of the North Dakota Century Code, relating to health care directives; to amend and reenact subsection 2 of section 12.1-31-07 and sections 23-06.5-01, 23-06.5-02, 23-06.5-03, 23-06.5-05, 23-06.5-06, 23-06.5-07, 23-06.5-08, 23-06.5-09, 23-06.5-10, 23-06.5-11, 23-06.5-12, 23-06.5-13, 23-06.5-15, 23-06.5-16, 23-06.5-17, and 23-06.5-18 of the North Dakota Century Code, relating to health care decisions and directives; and to repeal chapter 23-06.4 of the North Dakota Century Code, relating to treatment declarations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 61 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Conrad; DeKrey; Delmore; Devlin; Drovdal; Ekstrom; Froelich; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Kreidt; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mueller; Nicholas; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Schmidt; Skarphol; Solberg; Svedjan; Thorpe; Uglem; Vigasaa; Weisz; Zaiser

NAYS: Bellew; Belter; Bernstein; Carlson; Clark; Damschen; Delzer; Dietrich; Dosch; Froseth; Galvin; Iverson; Kasper; Klemin; Koppelman; Kretschmar; Meier, L.; Monson; Norland; Rennerfeldt; Ruby; Sandvig; Sitte; Thoreson; Timm; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2343 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that the DO NOT CONCURS on the Twelfth Order be adopted, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do not concur in the Senate amendments to HB 1195 as printed on HJ page 1282 and that a conference committee be appointed to meet with a like committee from the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1195: Reps. Keiser, Ruby, Boe.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2237: Reps. Maragos, Dietrich, Kaldor.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2297: Reps. Pietsch, Price, Potter.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2027, SB 2101, SB 2120, SB 2186.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2168, SB 2308, SB 2358.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2002, SB 2059, SB 2067.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3057.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2269, SB 2281, SB 2302, SB 2336, SB 2343.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1524.

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

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

SB 2237: Reps. Maragos; Dietrich; Kaldor

SB 2297: Reps. Pietsch; Price; Potter

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1195 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1195: Reps. Keiser; Ruby; Boe

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

MR. PRESIDENT: The Speaker has signed: SB 2058, SB 2115, SB 2138, SB 2236, SB 2239, SB 2244, SB 2248, SB 2268, SB 2288, SB 2311, SB 2346, SB 2353, SCR 4028, SCR 4029, SCR 4037, SCR 4038.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1060, HB 1124, HB 1127, HB 1152, HB 1164, HB 1293, HCR 3043, HCR 3054.

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

MR. PRESIDENT: The Speaker has signed: SB 2278.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1171.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 28, 2005: HCR 3026, HCR 3033.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 28, 2005: HB 1051, HB 1116, HB 1130, HB 1140, HB 1141, HB 1185.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on March 28, 2005: HB 1171.

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 2412.

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

MR. SPEAKER: The Senate has failed to pass: HB 1463.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1173.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1465.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1465

Page 1, line 13, after the period insert "The department may seek a deficiency appropriation if necessary to cover the cost of payment for prescription drugs provided under this section."

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1445, HB 1525, HCR 3037.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1163, HB 1172, HB 1222, HB 1258, HB 1313, HB 1437, HB 1460, HB 1505, HB 1518, HCR 3055.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1163

Page 1, line 3, replace the second "and" with a comma

Page 1, line 5, after "6-08-15" insert ", and subsection 2 of section 6-08-16"

Page 1, line 10, remove the first "and" and after "institutions" insert ", and compliance with clearinghouse rules"

Page 10, after line 11, insert:

"SECTION 15. AMENDMENT. Subsection 2 of section 6-08-16 of the North Dakota Century Code is amended and reenacted as follows:

2. The grade of an offense under this section may be determined by individual or aggregate totals of insufficient funds checks, drafts, electronic funds transfer authorizations, or orders. The person is also liable for collection fees or costs, not in excess of twenty-five dollars, which are recoverable by the holder, or its agent or representative, of the check, draft, electronic funds transfer authorization, or order. If the holder of the check, draft, electronic funds transfer authorization, or order or the holder's agent or representative uses the automated clearinghouse network to collect the collection fees or costs, that person shall comply with the network's rules and requirements. A collection agency shall reimburse the original holder of the check, draft, electronic funds transfer authorization, or order any additional charges assessed by the depository bank of the check, draft, electronic funds transfer authorization, or order not in excess of two dollars if recovered by the collection agency. If the person does not pay the instrument in full and any collection fees or costs not in excess of twenty-five dollars within ten days from receipt of the notice of dishonor provided for in subsection 4, a civil penalty is also recoverable by civil action by the holder, or its agent or representative, of the check, draft, electronic funds transfer authorization, or order. The civil penalty consists of payment to the holder, or its agent or representative, of the instrument of the lesser of two hundred dollars or three times the amount of the instrument. The court may order an individual convicted under this section to undergo an evaluation by a licensed gaming, alcohol, or drug addiction counselor."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1172

Page 1, line 6, remove "subsection 5 of section 14-09-25,"

Page 3, remove lines 13 through 29

Page 4, line 2, after "program" insert an underscored comma

Page 4, line 3, after "plan" insert an underscored comma

Page 4, line 18, replace "are" with "is"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1222

Page 1, line 8, replace "hold hearings, receive public testimony, and gather" with "request, from the state agency, institution, or department most directly affected by the provisions of the measure,"

Page 1, line 9, after "measure" insert "on state government"

Page 1, line 10, after "provide" insert "the" and replace "in the format and timeframe prescribed by the" with "within ten business days of the receipt of the request. The"

Page 1, line 11, replace "for identifying" with "shall hold one or more hearings to receive testimony and information on", replace "an" with "the", and after the period insert "The agency, institution, or department may revise its estimate based on the testimony or information received after the initial estimate."

Page 1, line 13, remove "a statement of" and replace "of the measure" with "information as provided by the state agency, institution, or department"

Page 1, line 16, after the period insert "Within thirty days after the close of the first complete fiscal year after the effective date of an initiated measure approved by the voters, the agency, institution, or department that provided the estimated fiscal effect information to the legislative council under this section shall submit a report to the legislative council on the actual revenues or expenditures resulting from provisions of the initiated measure compared to the estimates provided to the legislative council."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1258

Page 1, line 6, after the second comma insert "and" and remove ", and subsection 9 of section"

Page 1, line 7, remove "43-28-25"

Page 9, remove lines 30 and 31

Page 10, remove lines 1 through 11

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1313

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 12.1-20-01 of the North Dakota Century Code, relating to the age of a person engaging in sexual conduct with a minor;"

Page 1, after line 4, insert:

"SECTION 1. A new subsection to section 12.1-20-01 of the North Dakota Century Code is created and enacted as follows:

When criminality depends on the victim being a minor, the actor is guilty of an offense only if the actor is at least four years older than the minor."

Page 1, line 7, after "**imposition**" insert "- Penalty"

Page 2, line 4, after the period insert "a."

Page 2, line 5, overstrike "or" and insert immediately thereafter an underscored comma

Page 2, line 6, overstrike "or d", after "1" insert ", or if the actor's conduct violates subdivision d of subsection 1 and the actor was more than five years older than the victim at the time of the offense.

b. An offense under this section is a class C felony if the actor's conduct violates subdivision d of subsection 1 or subdivision a of subsection 2, and the actor was at least four but not more than five years older than the victim at the time of the offense", and after the period insert:

"c."

Page 2, line 14, overstrike "a class", remove "AA", and overstrike "felony" and insert immediately thereafter "an offense"

Page 2, line 16, after the period insert "The offense is a class AA felony if the actor was more than five years older than the victim at the time of the offense. The offense is a class C felony if the actor was at least four but not more than five years older than the victim at the time of the offense."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1437

Page 1, line 9, after the comma insert "or an improvement with a value exceeding two thousand dollars to a dwelling,"

Page 1, line 14, after the period insert "The contractor shall provide the purchaser or owner written notice of the requirements of this section at the time of closing for the property or, in the case of an improvement, at the time of completion of the improvement." and after "thirty" insert "business"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1460

Page 1, line 8, remove "appropriations committees of the" and replace "assembly" with "council"

Page 1, line 14, replace "appropriations" with "legislative council"

Page 1, line 15, remove "committees"

Page 1, line 16, replace "appropriations committees determine" with "legislative council determines"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1505

In lieu of the amendments as printed on page 906 of the Senate Journal, Engrossed House Bill No. 1505 is amended as follows:

Page 1, line 7, overstrike "A" and insert immediately thereafter "Except as provided in section 62.1-02-01, a"

Page 1, line 12, remove "or section 62.1-02-01"

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1518

Page 1, line 1, after "to" insert "create and enact a new section to chapter 4-28 of the North Dakota Century Code, relating to the wheat tax levy; to"

Page 1, line 2, after the semicolon insert "to repeal section 4-28-07 of the North Dakota Century Code, relating to the wheat tax levy;"

Page 4, line 3, after the period insert "The contracts must require that any trade association receiving money under this section pay from that money all dues required as a condition of the trade association's membership in any national trade association. The contracts also must prohibit any trade association receiving money under this section from eliminating any dues required as a condition of membership in that trade association or from reducing such dues below the amount required for membership as of January 1, 2005.

5. The commission shall expend an amount at least equal to that raised by three mills of the levy provided for in this section to pay any debts for legal services incurred by the commission, until the debts for legal services are paid in full.

Page 4, line 4, remove the overstrike over "~~6~~:" and remove "5."

Page 4, after line 8, insert:

- "7. At the time the wheat commission presents the report required by section 4-24-10, each trade association with which the wheat commission has contracted under subsection 4 also shall present a report detailing all activities in which the trade association engaged under the provisions of the contract.

SECTION 3. A new section to chapter 4-28 of the North Dakota Century Code is created and enacted as follows:

Wheat tax levy.

1.
 - a. A tax of twelve mills per bushel [35.24 liters] by weight must be levied and imposed upon all wheat grown in this state, delivered into this state, or sold through commercial channels to a first purchaser in this state.
 - b. The tax must be levied and assessed at the time of sale and deducted by the purchaser from the price paid, or in the case of a lien, pledge, or mortgage, deducted from the proceeds of the loan or claim secured, subject to adjustment at the time of settlement in the event

the number of bushels [liters] is not accurately determined at the time of the lien, pledge, or mortgage.

- c. At the time of sale, the first purchaser in this state shall issue and deliver to the producer or seller a record of the transaction in the manner prescribed by the commission.
- 2. a. Any producer who sells wheat to a first purchaser in this state and who is subject to the deduction provided for in this chapter, within sixty days following the deduction or final settlement, may make application by personal letter to the wheat commission for a refund application blank.
- b. Upon the return of the blank, properly executed by the producer, accompanied by a record of the deduction by the purchaser, the producer must be refunded the net amount of the deduction collected.
- c. If no request for refund has been made within the period prescribed in this subsection, the producer is presumed to have agreed to the deduction. A producer that, for any reason, has paid the tax more than once on the same wheat, upon furnishing proof of that payment to the commission, is entitled to a refund of the overpayment.
- 3. To inform the producer, the commission shall develop and disseminate information and instructions relating to the purpose of the wheat tax and manner in which refunds may be claimed and to this extent shall cooperate with state and federal agencies and private businesses engaged in the purchase of wheat.
- 4. The commission shall expend an amount at least equal to that raised by two mills of the levy provided for in this section to contract for activities related to domestic wheat policy issues, wheat production, promotion, and sales. The contracts may be with no more than two trade associations that are incorporated in this state and which have as their primary purpose the representation of wheat producers. The contracts must require that any trade association receiving money under this section pay from the money all dues required as a condition of the trade association's membership in any national trade association. The contracts also must prohibit any trade association receiving money under this section from eliminating any dues required as a condition of membership in that trade association or from reducing such dues below the amount required for membership as of January 1, 2005.
- 5. When the wheat commission presents the report required by section 4-24-10, the commission shall present a separate report detailing the nature and extent of the commission's efforts to address trade and domestic policy issues. The commission may invite other entities with which it has contracted to assist in the presentations.
- 6. At the time the wheat commission presents the report required by section 4-24-10, each trade association with which the wheat commission has contracted under subsection 4 also shall present a report detailing all activities in which the trade association engaged under the provisions of the contract.

SECTION 4. REPEAL. Section 4-28-07 of the North Dakota Century Code is repealed."

Page 4, line 10, replace "from" with "on"

Page 4, after line 11, insert:

"SECTION 6. EFFECTIVE DATE. Sections 3 and 4 of this Act become effective on July 1, 2009."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3055

Page 1, line 3, remove the first "and"

Page 1, line 4, remove ", railroad,"

Page 1, line 5, remove "and banking"

Page 1, line 8, remove ", railroad, and banking"

Renumber accordingly

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2026, SB 2037, and SB 2303 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2026: Sens. Cook; G. Lee; Triplett

SB 2037: Sens. Krebsbach; Fischer; Nelson

SB 2303: Sens. Brown; J. Lee; Nelson

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

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

HB 1074: Sens. Hacker; Cook; Triplett

HB 1342: Sens. Trenbeath; Espegard; Bercier

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2102, SB 2118, SB 2141, SB 2181, SB 2340, and SB 2395.

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

MR. SPEAKER: The President has signed: SB 2278.

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

MR. SPEAKER: The President has signed: HB 1262, HB 1271, HB 1279, HB 1354, HB 1368, HB 1398, HB 1404, HB 1431, HB 1501, HB 1511, HB 1517, HCR 3007, HCR 3011, HCR 3014, HCR 3028, HCR 3034, HCR 3038, HCR 3039, HCR 3040.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2366.

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

MR. SPEAKER: The President has signed: HB 1171.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2278.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Thirteenth, Fourteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, March 29, 2005, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Berg, Keiser, Wald and Sens. Klein, Tallackson introduced:

(Approved by the Delayed Bills Committee)

HCR 3059: A concurrent resolution urging Congress to oppose federal legislation that would impair, erode, and limit the ability of state governments to regulate the business of insurance.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

REPORT OF CONFERENCE COMMITTEE

HB 1191, as engrossed: Your conference committee (Sens. Lyson, Dever, Warner and Reps. Kreidt, Devlin, Potter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 832, adopt amendments as follows, and place HB 1191 on the Seventh order:

That the Senate recede from its amendments as printed on page 832 of the House Journal and page 607 of the Senate Journal and that Engrossed House Bill No. 1191 be amended as follows:

Page 2, line 21, replace "a tribal reservation" with "an Indian tribe"

Renumber accordingly

Engrossed HB 1191 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

SB 2001, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2001 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide a statement of legislative intent; to amend and reenact sections 54-03-10 and 54-03-20 of the North Dakota Century Code, relating to compensation of appropriations committee division chairmen and compensation of members of the legislative assembly; to provide for applications and transfers; to provide an effective date; to provide for retroactive application;"

Page 2, line 5, replace "253,551" with "415,913"

Page 2, line 9, replace "456,700" with "619,062"

Page 2, line 12, replace "255,125" with "251,007"

Page 2, line 16, replace "47,034" with "42,916"

Page 2, line 17, replace "503,734" with "661,978"

Page 2, line 26, replace "5,736,429" with "5,898,791"

Page 2, line 30, replace "9,017,952" with "9,180,314"

Page 3, line 2, replace "5,171,154" with "5,167,036"

Page 3, line 5, replace "7,579,890" with "7,575,772"

Page 3, line 6, replace "16,597,842" with "16,756,086"

Page 3, after line 16, insert:

"SECTION 5. LEGISLATIVE APPLICATIONS REPLACEMENT SYSTEM GOVERNANCE. The legislative council shall develop, during the 2005-06 interim, a design, an analysis, and a plan for implementation of a replacement system for legislative applications. The legislative council staff and the information technology department staff shall develop a project plan and manage the project. The legislative council's interim information technology committee shall review the project plan and may request revisions to the plan before adopting the plan. The project plan must include the appointment of an executive steering committee for the project which must consist of two members from the legislative council staff, two members from the information technology department staff, two legislators, and others as appointed by the legislative council chairman. The project plan must be developed in a phased approach and must include a process for soliciting suggestions from members of the legislative assembly regarding system functions. After completion of a project phase, the information technology committee shall review and approve the deliverables from the completed phase before any consideration may be made for a subsequent phase. The individual designated as the project manager shall provide reports regarding the project as required by chapters 54-35 and 54-59 and provide any additional information requested by the information technology committee.

SECTION 6. LEGISLATIVE INTENT - PRINTING OF BILLS AND RESOLUTIONS. It is the intent of the fifty-ninth legislative assembly that to provide for the space needs of the legislative assembly and to better utilize space in the legislative wing of the state capitol, the legislative council arrange for the printing of bills and resolutions for the sixtieth legislative assembly as requested using computers and high-speed printers rather than printing multiple copies of all bills and having them available in the bill and journal room for the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 7. AMENDMENT. Section 54-03-10 of the North Dakota Century Code is amended and reenacted as follows:

54-03-10. Compensation of speaker, majority and minority leaders, assistant majority and minority leaders, committee or division chairmen, and employees. The speaker of the house, the house majority leader, the senate majority leader, the house minority leader, and the senate minority leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ten dollars per day for each calendar day during any regular, special, or organizational session. Chairmen of the substantive standing committees, chairmen of substantive standing committee divisions established by rule of the house or senate, the house assistant majority leader, the senate assistant majority leader, the house assistant minority leader, and the senate assistant minority leader shall receive additional compensation of five dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section must be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed.

SECTION 8. AMENDMENT. Section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of one hundred ~~twenty-five~~thirty-five dollars for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred fifty dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed six hundred fifty dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

If during a special session, the legislative assembly adjourns for more than three days, a member of the legislative assembly is entitled to receive compensation during those days only while in attendance at a standing committee if the legislator is a member of that committee, a majority or minority leader, or a legislator who is not on that committee but who has the approval of a majority or minority leader to attend. A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session or a legislative committee meeting must be included as a calendar day during a legislative session or as a day of a legislative committee meeting for the purposes of this section.

In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of two hundred fifty dollars a month, which is payable every six months or monthly, at the member's option. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member. The majority and minority leaders of the house and senate and the chairman of the legislative council, if the chairman is not a majority or minority leader, are each entitled to receive

as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of two hundred fifty dollars per month during the biennium for their execution of public duties.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

SECTION 9. APPLICATION AND TRANSFER AUTHORITY. North Dakota Century Code sections 54-16-04 and 54-44.1-11 do not apply to chapter 1 of the 2003 Session Laws. Any unexpended funds from the appropriations in chapter 1 of the 2003 Session Laws are available to assist in the cost of the legislative applications replacement project, including preplanning costs. The director of the office of management and budget and the state treasurer shall make transfers of funds between the line items and the agencies of the legislative branch within section 1 of that chapter as requested by the chairman of the legislative council or the chairman's designee.

SECTION 10. EFFECTIVE DATE. Section 8 of this Act becomes effective December 1, 2006.

SECTION 11. RETROACTIVE APPLICATION. Section 7 of this Act is retroactive in application to January 1, 2005."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2001 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Legislative Assembly				
Total all funds	\$13,117,952	\$9,017,952	\$162,362	\$9,180,314
Less estimated income				
General fund	\$13,117,952	\$9,017,952	\$162,362	\$9,180,314
Legislative Council				
Total all funds	\$7,598,596	\$7,579,890	(\$4,118)	\$7,575,772
Less estimated income				
General fund	\$7,598,596	\$7,579,890	(\$4,118)	\$7,575,772
Bill Total				
Total all funds	\$20,716,548	\$16,597,842	\$158,244	\$16,756,086
Less estimated income				
General fund	\$20,716,548	\$16,597,842	\$158,244	\$16,756,086

Senate Bill No. 2001 - Legislative Assembly - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,736,429	\$5,736,429	\$162,362	\$5,898,791
Operating expenses	2,997,773	2,997,773		2,997,773
Capital assets	6,000	106,000		106,000
National Conference of State Legislatures	177,750	177,750		177,750
Legislative applications replacement	4,200,000			
Total all funds	\$13,117,952	\$9,017,952	\$162,362	\$9,180,314
Less estimated income				
General fund	\$13,117,952	\$9,017,952	\$162,362	\$9,180,314
FTE	0.00	0.00	0.00	0.00

Dept. 150 - Legislative Assembly - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	ADDS FUNDING FOR LEGISLATOR PAY INCREASE ¹	ADDS FUNDING FOR DIVISION CHAIRMEN PAY ²	TOTAL HOUSE CHANGES
Salaries and wages	(\$16,100)	\$176,072	\$2,390	\$162,362
Operating expenses				
Capital assets				

National Conference of State Legislatures
Legislative applications replacement

Total all funds	(\$16,100)	\$176,072	\$2,390	\$162,362
Less estimated income				
General fund	(\$16,100)	\$176,072	\$2,390	\$162,362
FTE	0.00	0.00	0.00	0.00

¹ A section is added increasing legislator pay during legislative sessions by \$10 per day, from \$125 to \$135 per day, effective December 1, 2006.

² A section is added providing that chairmen of standing committee divisions receive an additional \$5 per day during legislative sessions, the same as standing committee chairmen, which is retroactive to January 1, 2005.

A section is added providing for the development of a project plan for the legislative applications replacement system computer project.

A section is added allowing for continuation of any unspent 2003-05 biennium appropriation authority of the legislative branch for costs of the legislative applications replacement system computer project.

A section of legislative intent is added that the Legislative Council arrange for bills and resolutions of the 2007 legislative session to be printed on-demand using computers and high-speed printers rather than through printing contract to reduce costs and make available space now used for the bill and journal room for other legislative uses.

Senate Bill No. 2001 - Legislative Council - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,189,860	\$5,171,154	(\$4,118)	\$5,167,036
Operating expenses	2,367,736	2,367,736		2,367,736
Capital assets	<u>41,000</u>	<u>41,000</u>		<u>41,000</u>
Total all funds	\$7,598,596	\$7,579,890	(\$4,118)	\$7,575,772
Less estimated income				
General fund	\$7,598,596	\$7,579,890	(\$4,118)	\$7,575,772
FTE	33.00	33.00	0.00	33.00

Dept. 160 - Legislative Council - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	TOTAL HOUSE CHANGES
Salaries and wages	(\$4,118)	(\$4,118)
Operating expenses		
Capital assets		
Total all funds	(\$4,118)	(\$4,118)
Less estimated income		
General fund	(\$4,118)	(\$4,118)
FTE	0.00	0.00

REPORT OF STANDING COMMITTEE

SB 2016, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1237 and 1238 of the House Journal, Engrossed Senate Bill No. 2016 is amended as follows:

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

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

Page 1, line 24, replace "1,018,622" with "975,192"

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

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

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

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

Page 2, line 13, replace "58,473,339" with "58,429,909"

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

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

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

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

Page 3, line 3, replace "59,253,264" with "59,209,834"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Job Service North Dakota - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,846,714	\$34,706,921	(\$43,321)	\$34,663,600
Operating expenses	13,238,913	13,238,913		13,238,913
Capital assets	225,000	225,000		225,000
Grants	9,047,165	9,047,165		9,047,165
Work Force 2000	1,480,724	1,255,340	(109)	1,255,231
Work First - Reed Act	256,560	254,925		254,925
Unemployment insurance modernization - Reed Act	525,000	525,000		525,000
Total all funds	\$59,620,076	\$59,253,264	(\$43,430)	\$59,209,834
Less estimated income	<u>58,139,352</u>	<u>57,997,924</u>	<u>(43,321)</u>	<u>57,954,603</u>
General fund	\$1,480,724	\$1,255,340	(\$109)	\$1,255,231
FTE	355.80	355.80	0.00	355.80

Dept. 380 - Job Service North Dakota - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL HOUSE CHANGES
Salaries and wages	(\$43,321)	(\$43,321)
Operating expenses		
Capital assets		
Grants		
Work Force 2000	(109)	(109)
Work First - Reed Act		
Unemployment insurance modernization - Reed Act		
Total all funds	(\$43,430)	(\$43,430)
Less estimated income	<u>(43,321)</u>	<u>(43,321)</u>
General fund	(\$109)	(\$109)
FTE	0.00	0.00

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

REPORT OF STANDING COMMITTEE

SB 2020, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the second "to"

Page 1, line 4, remove "provide for a legislative council study;"

Page 3, line 5, replace "3,750,622" with "3,713,370"

Page 3, line 6, replace "108,747" with "8,559"

Page 3, line 7, replace "3,859,369" with "3,721,929"

Page 3, line 8, replace "2,451,781" with "2,427,076"

Page 3, line 9, replace "1,407,588" with "1,294,853"

Page 3, line 12, replace "370,600" with "369,602"

Page 3, line 13, replace "211,005" with "210,506"

Page 3, line 14, replace "159,595" with "159,096"

Page 3, line 17, replace "4,886,023" with "5,179,908"

Page 3, line 18, replace "4,869,499" with "4,863,538"

Page 3, line 19, replace "16,524" with "316,370"

Page 3, line 22, replace "7,093,956" with "7,983,493"

Page 3, line 23, replace "5,235,325" with "5,216,848"

Page 3, line 24, replace "1,858,631" with "2,766,645"

Page 3, line 27, replace "328,589" with "326,459"

Page 3, line 28, replace "311,847" with "310,855"

Page 3, line 29, replace "281,547" with "280,431"

Page 3, line 30, replace "45,601" with "44,611"

Page 3, line 31, replace "518,220" with "516,625"

Page 4, line 1, replace "562,800" with "561,809"

Page 4, line 2, replace "915,392" with "912,972"

Page 4, line 3, replace "2,963,996" with "2,953,762"

Page 4, line 4, replace "2,096,169" with "2,093,700"

Page 4, line 5, replace "867,827" with "860,062"

Page 4, line 8, replace "31,452" with "31,078"

Page 4, line 9, replace "31,452" with "31,078"

Page 4, line 10, replace "4,310,165" with "5,397,026"

Page 4, line 11, replace "14,895,231" with "14,842,746"

Page 4, line 12, replace "19,205,396" with "20,239,772"

Page 4, line 22, replace "37,318,219" with "37,280,967"

Page 4, line 23, replace "887,426" with "787,238"

Page 4, line 24, replace "38,205,645" with "38,068,205"

Page 4, line 25, replace "22,938,611" with "22,913,906"

Page 4, line 26, replace "15,267,034" with "15,154,299"

Page 4, line 29, replace "1,893,947" with "1,892,949"

Page 4, line 30, replace "988,350" with "987,851"

Page 4, line 31, replace "905,597" with "905,098"

Page 5, line 3, replace "15,730,773" with "16,024,658"

Page 5, line 4, replace "15,231,150" with "15,225,189"

Page 5, line 5, replace "499,623" with "799,469"

Page 5, line 8, replace "67,611,170" with "68,500,707"

Page 5, line 9, replace "37,541,799" with "37,523,322"

Page 5, line 10, replace "30,069,371" with "30,977,385"

Page 5, line 13, replace "5,609,723" with "5,607,593"

Page 5, line 14, replace "1,979,234" with "1,978,242"

Page 5, line 15, replace "1,803,022" with "1,801,906"

Page 5, line 16, replace "1,328,486" with "1,327,496"

Page 5, line 17, replace "2,230,730" with "2,229,135"

Page 5, line 18, replace "2,205,875" with "2,204,884"

Page 5, line 19, replace "4,242,008" with "4,239,588"

Page 5, line 20, replace "19,399,078" with "19,388,844"

Page 5, line 21, replace "11,063,572" with "11,061,103"

Page 5, line 22, replace "8,335,506" with "8,327,741"

Page 5, line 25, replace "1,198,056" with "1,197,682"

Page 5, line 26, replace "1,198,056" with "1,197,682"

Page 5, line 27, replace "55,077,131" with "56,163,992"

Page 5, line 28, replace "88,961,538" with "88,909,053"

Page 5, line 29, replace "144,038,669" with "145,073,045"

Page 6, remove lines 27 through 31

Page 7, remove lines 1 and 2

Page 7, line 6, replace "10" with "9"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Transportation Institute				
Total all funds	\$15,764,073	\$15,730,773	\$293,885	\$16,024,658
Less estimated income	<u>15,263,028</u>	<u>15,231,150</u>	(5,961)	<u>15,225,189</u>
General fund	\$501,045	\$499,623	\$299,846	\$799,469
Branch Research Centers				
Total all funds	\$19,247,791	\$19,399,078	(\$10,234)	\$19,388,844
Less estimated income	<u>11,072,534</u>	<u>11,063,572</u>	(2,469)	<u>11,061,103</u>
General fund	\$8,175,257	\$8,335,506	(\$7,765)	\$8,327,741
NDSU Extension Service				
Total all funds	\$38,230,290	\$38,205,645	(\$137,440)	\$38,068,205
Less estimated income	<u>22,989,228</u>	<u>22,938,611</u>	(24,705)	<u>22,913,906</u>

General fund	\$15,241,062	\$15,267,034	(\$112,735)	\$15,154,299
Northern Crops Institute				
Total all funds	\$1,763,585	\$1,893,947	(\$998)	\$1,892,949
Less estimated income	<u>950,741</u>	<u>988,350</u>	<u>(499)</u>	<u>987,851</u>
General fund	\$812,844	\$905,597	(\$499)	\$905,098
Main Research Station				
Total all funds	\$66,572,180	\$67,611,170	\$889,537	\$68,500,707
Less estimated income	<u>36,810,218</u>	<u>37,541,799</u>	<u>(18,477)</u>	<u>37,523,322</u>
General fund	\$29,761,962	\$30,069,371	\$908,014	\$30,977,385
Agronomy Seed Farm				
Total all funds	\$1,199,685	\$1,198,056	(\$374)	\$1,197,682
Less estimated income	<u>1,199,685</u>	<u>1,198,056</u>	<u>(374)</u>	<u>1,197,682</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$142,777,604	\$144,038,669	\$1,034,376	\$145,073,045
Less estimated income	<u>88,285,434</u>	<u>88,961,538</u>	<u>(52,485)</u>	<u>88,909,053</u>
General fund	\$54,492,170	\$55,077,131	\$1,086,861	\$56,163,992

Senate Bill No. 2020 - Transportation Institute - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Transportation Institute	<u>\$15,764,073</u>	<u>\$15,730,773</u>	<u>\$293,885</u>	<u>\$16,024,658</u>
Total all funds	\$15,764,073	\$15,730,773	\$293,885	\$16,024,658
Less estimated income	<u>15,263,028</u>	<u>15,231,150</u>	<u>(5,961)</u>	<u>15,225,189</u>
General fund	\$501,045	\$499,623	\$299,846	\$799,469
FTE	48.50	48.50	0.00	48.50

Dept. 627 - Transportation Institute - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	ADDS FUNDING FOR REGIONAL UNIVERSITY TRANSPORTATION CENTER STATUS ²	TOTAL HOUSE CHANGES
Transportation Institute	<u>(\$6,115)</u>	<u>\$300,000</u>	<u>\$293,885</u>
Total all funds	(\$6,115)	\$300,000	\$293,885
Less estimated income	<u>(5,961)</u>		<u>(5,961)</u>
General fund	(\$154)	\$300,000	\$299,846
FTE	0.00	0.00	0.00

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

² The House increased the general fund appropriation for the Upper Great Plains Transportation Institute to meet the required funded budget guidelines to qualify as a regional university transportation center.

Senate Bill No. 2020 - Branch Research Centers - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Dickinson Research Center	\$5,554,757	\$5,609,723	(\$2,130)	\$5,607,593
Central Grasslands Research Center	1,982,689	1,979,234	(992)	1,978,242
Hettinger Research Center	1,798,821	1,803,022	(1,116)	1,801,906
Langdon Research Center	1,332,702	1,328,486	(990)	1,327,496
North Central Research Center	2,236,320	2,230,730	(1,595)	2,229,135
Williston Research Center	2,091,298	2,205,875	(991)	2,204,884
Carrington Research Center	<u>4,251,204</u>	<u>4,242,008</u>	<u>(2,420)</u>	<u>4,239,588</u>
Total all funds	\$19,247,791	\$19,399,078	(\$10,234)	\$19,388,844
Less estimated income	<u>11,072,534</u>	<u>11,063,572</u>	<u>(2,469)</u>	<u>11,061,103</u>
General fund	\$8,175,257	\$8,335,506	(\$7,765)	\$8,327,741
FTE	77.41	77.41	0.00	77.41

Dept. 628 - Branch Research Centers - Detail of House Changes

REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL HOUSE CHANGES
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Dickinson Research Center	(\$2,130)	(\$2,130)
Central Grasslands Research Center	(992)	(992)
Hettinger Research Center	(1,116)	(1,116)
Langdon Research Center	(990)	(990)
North Central Research Center	(1,595)	(1,595)
Williston Research Center	(991)	(991)
Carrington Research Center	(2,420)	(2,420)
Total all funds	(\$10,234)	(\$10,234)
Less estimated income	(2,469)	(2,469)
General fund	(\$7,765)	(\$7,765)
FTE	0.00	0.00

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

Senate Bill No. 2020 - NDSU Extension Service - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Extension Service	\$37,442,255	\$37,318,219	(\$37,252)	\$37,280,967
Soil Conservation Committee	<u>788,035</u>	<u>887,426</u>	<u>(100,188)</u>	<u>787,238</u>
Total all funds	\$38,230,290	\$38,205,645	(\$137,440)	\$38,068,205
Less estimated income	<u>22,989,228</u>	<u>22,938,611</u>	<u>(24,705)</u>	<u>22,913,906</u>
General fund	\$15,241,062	\$15,267,034	(\$112,735)	\$15,154,299
FTE	266.10	266.10	0.00	266.10

Dept. 630 - NDSU Extension Service - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REMOVES FUNDING FOR SOIL CONSERVATION DISTRICTS ²	TOTAL HOUSE CHANGES
Extension Service	(\$37,252)		(\$37,252)
Soil Conservation Committee	<u>(188)</u>	<u>(\$100,000)</u>	<u>(100,188)</u>
Total all funds	(\$37,440)	(\$100,000)	(\$137,440)
Less estimated income	<u>(24,705)</u>		<u>(24,705)</u>
General fund	(\$12,735)	(\$100,000)	(\$112,735)
FTE	0.00	0.00	0.00

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

² The House removed the additional \$100,000 added by the Senate for soil conservation districts.

Senate Bill No. 2020 - Northern Crops Institute - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Northern Crops Institute	<u>\$1,763,585</u>	<u>\$1,893,947</u>	<u>(\$998)</u>	<u>\$1,892,949</u>
Total all funds	\$1,763,585	\$1,893,947	(\$998)	\$1,892,949
Less estimated income	<u>950,741</u>	<u>988,350</u>	<u>(499)</u>	<u>987,851</u>
General fund	\$812,844	\$905,597	(\$499)	\$905,098
FTE	7.62	8.62	0.00	8.62

Dept. 638 - Northern Crops Institute - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL HOUSE CHANGES
Northern Crops Institute	<u>(\$998)</u>	<u>(\$998)</u>
Total all funds	(\$998)	(\$998)
Less estimated income	<u>(499)</u>	<u>(499)</u>
General fund	(\$499)	(\$499)

FTE 0.00 0.00

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

Senate Bill No. 2020 - Main Research Station - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Main Research Station	\$66,572,180	\$67,611,170	\$889,537	\$68,500,707
Total all funds	\$66,572,180	\$67,611,170	\$889,537	\$68,500,707
Less estimated income	<u>36,810,218</u>	<u>37,541,799</u>	<u>(18,477)</u>	<u>37,523,322</u>
General fund	\$29,761,962	\$30,069,371	\$908,014	\$30,977,385
FTE	339.05	341.05	(1.00)	340.05

Dept. 640 - Main Research Station - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REMOVES POSITIONS AND FUNDING FOR BEEF SYSTEMS CENTER OF EXCELLENCE ²	ADDS 1 FTE DRY BEAN GENETICIST POSITION ³	ADDS FUNDING FOR WESTERN MALTING BARLEY PROJECT ⁴	ADDS FUNDING FOR EXTRAORDINARY REPAIRS ⁵	ADDS FUNDING FOR OPERATING AND EQUIPMENT NEEDS ⁶
Main Research Station	<u>(\$45,427)</u>	<u>(\$200,000)</u>	<u>\$200,000</u>	<u>\$59,799</u>	<u>\$425,165</u>	<u>\$350,000</u>
Total all funds	(\$45,427)	(\$200,000)	\$200,000	\$59,799	\$425,165	\$350,000
Less estimated income	<u>(18,477)</u>					
General fund	(\$26,950)	(\$200,000)	\$200,000	\$59,799	\$425,165	\$350,000
FTE	0.00	(2.00)	1.00	0.00	0.00	0.00

	ADDS FUNDING FOR ETHANOL MALTING BARLEY RESEARCH ⁷	TOTAL HOUSE CHANGES
Main Research Station	<u>\$100,000</u>	<u>\$889,537</u>
Total all funds	\$100,000	\$889,537
Less estimated income		<u>(18,477)</u>
General fund	\$100,000	\$908,014
FTE	0.00	(1.00)

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

² This amendment removes \$200,000 from the general fund and 2 FTE positions added by the Senate for the beef systems center of excellence.

³ Funding is added for 1 FTE geneticist position and related operating expenses to conduct research and address issues related to dry edible beans.

⁴ Funding is added for western malting barley research at the Main Research Center.

⁵ Funding is added for extraordinary repairs to facilities.

⁶ This amendment adds funding for operating and equipment infrastructure needs for the Main Research Center, branch research centers, and North Dakota State University Extension Service. The funding allocation is to be determined by the State Board of Agricultural Research and Education.

⁷ Funding is added for ethanol malting barley research. The funding is to be allocated to the Main Research Center and branch research centers as determined by the director of the North Dakota Agricultural Experiment Station.

Senate Bill No. 2020 - Agronomy Seed Farm - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Agronomy Seed Farm	<u>\$1,199,685</u>	<u>\$1,198,056</u>	<u>(\$374)</u>	<u>\$1,197,682</u>
Total all funds	\$1,199,685	\$1,198,056	(\$374)	\$1,197,682
Less estimated income	<u>1,199,685</u>	<u>1,198,056</u>	<u>(374)</u>	<u>1,197,682</u>
General fund	\$0	\$0	\$0	\$0
FTE	2.97	2.97	0.00	2.97

Dept. 649 - Agronomy Seed Farm - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL HOUSE CHANGES
Agronomy Seed Farm	(\$374)	(\$374)
Total all funds	(\$374)	(\$374)
Less estimated income	(374)	(374)
General fund	\$0	\$0
FTE	0.00	0.00

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

REPORT OF STANDING COMMITTEE

SB 2021, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide an appropriation to the industrial commission; to provide a contingent appropriation;" and after "reenact" insert "subsection 11 of section 28-32-01 and"

Page 1, line 3, after "to" insert "exclusion of certain policies, standards, and guidelines of the information technology department from compliance with the Administrative Agencies Practice Act and"

Page 2, line 3, replace "3,365,672" with "2,080,403"

Page 2, line 4, replace "16,792,816" with "9,926,842"

Page 2, line 6, replace "187,400" with "330,959"

Page 2, line 7, replace "(57,814)" with "300,118"

Page 2, line 9, replace "106,238" with "105,988"

Page 2, line 11, replace "8,219" with "8,094"

Page 2, line 13, replace "(2,360,110)" with "(2,041,200)"

Page 2, line 14, replace "\$1,855,446" with "(\$5,475,771)"

Page 2, line 15, replace "585,355" with "(7,569,758)"

Page 2, line 16, replace "1,270,091" with "2,093,987"

Page 2, line 23, replace "29,081,366" with "27,796,097"

Page 2, line 24, replace "48,913,676" with "42,047,702"

Page 2, line 26, replace "5,812,880" with "5,956,439"

Page 2, line 27, replace "736,004" with "1,093,936"

Page 2, line 29, replace "7,542,461" with "7,542,211"

Page 2, line 30, replace "686,562" with "686,437"

Page 2, line 31, replace "2,381,090" with "2,700,000"

Page 3, line 1, replace "108,167,550" with "100,836,333"

Page 3, line 2, replace "98,702,656" with "90,547,543"

Page 3, line 3, replace "9,464,894" with "10,288,790"

Page 3, after line 3, insert:

"SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the industrial commission for related costs of connections to internet2 for the state paleontologist in the heritage center, for the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 5. CONTINGENT APPROPRIATION. If the fifty-ninth legislative assembly authorizes the replacement of the medicaid management information system, there is appropriated out of special funds derived from other income, not otherwise appropriated, the sum of \$8,125,784 to the information technology department for costs associated with development and implementation of the system for the biennium beginning July 1, 2005, and ending June 30, 2007. The information technology department is authorized ten additional full-time equivalent positions for the project.

SECTION 6. LEGISLATIVE INTENT - CRIMINAL JUSTICE INFORMATION SHARING. It is the intent of the fifty-ninth legislative assembly that if federal homeland security funding or other federal funding becomes available, the information technology department shall use federal funds for the criminal justice information sharing initiative before the funding appropriated from the general fund and the unspent general fund moneys must be returned to the general fund."

Page 3, after line 10, insert:

"SECTION 8. AMENDMENT. Subsection 11 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

11. "Rule" means the whole or a part of an agency statement of general applicability which implements or prescribes law or policy or the organization, procedure, or practice requirements of the agency. The term includes the adoption of new rules and the amendment, repeal, or suspension of an existing rule. The term does not include:
 - a. A rule concerning only the internal management of an agency which does not directly or substantially affect the substantive or procedural rights or duties of any segment of the public.
 - b. A rule that sets forth criteria or guidelines to be used by the staff of an agency in the performance of audits, investigations, inspections, and settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if the disclosure of the statement would:
 - (1) Enable law violators to avoid detection;
 - (2) Facilitate disregard of requirements imposed by law; or
 - (3) Give a clearly improper advantage to persons who are in an adverse position to the state.
 - c. A rule establishing specific prices to be charged for particular goods or services sold by an agency.
 - d. A rule concerning only the physical servicing, maintenance, or care of agency-owned or agency-operated facilities or property.
 - e. A rule relating only to the use of a particular facility or property owned, operated, or maintained by the state or any of its subdivisions, if the substance of the rule is adequately indicated by means of signs or signals to persons who use the facility or property.
 - f. A rule concerning only inmates of a correctional or detention facility, students enrolled in an educational institution, or patients admitted to a hospital, if adopted by that facility, institution, or hospital.
 - g. A form whose contents or substantive requirements are prescribed by rule or statute or are instructions for the execution or use of the form.
 - h. An agency budget.

- i. An opinion of the attorney general.
- j. A rule adopted by an agency selection committee under section 54-44.7-03.
- k. Any material, including a guideline, interpretive statement, statement of general policy, manual, brochure, or pamphlet, which is explanatory and not intended to have the force and effect of law.
- l. A policy, standard, and guideline adopted by the information technology department under chapter 54-59, including any product and service standard and best practice standard, which does not materially affect the public and is not intended to have the force and effect of law, and with respect to access to or use of wide area network services, institutions under the control of the board of higher education, counties, cities, and school districts if the policy, standard, or guideline has been approved by the state information technology advisory committee."

Page 3, line 27, replace "5" with "9"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2021 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Information Technology Department				
Total all funds	\$109,640,934	\$108,167,550	\$794,567	\$108,962,117
Less estimated income	98,830,575	98,702,656	(29,329)	98,673,327
General fund	\$10,810,359	\$9,464,894	\$823,896	\$10,288,790
Industrial Commission				
Total all funds	\$0	\$0	\$100,000	\$100,000
Less estimated income				
General fund	\$0	\$0	\$100,000	\$100,000
Bill Total				
Total all funds	\$109,640,934	\$108,167,550	\$894,567	\$109,062,117
Less estimated income	98,830,575	98,702,656	(29,329)	98,673,327
General fund	\$10,810,359	\$9,464,894	\$923,896	\$10,388,790

Senate Bill No. 2021 - Information Technology Department - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$29,200,029	\$29,081,366	(\$1,285,269)	\$27,796,097
Operating expenses	48,913,676	48,913,676	(6,865,974)	42,047,702
Capital assets	10,361,163	10,361,163		10,361,163
Division of Independent Study	5,827,909	5,812,880	143,559	5,956,439
Educational Technology	1,755,189	736,004	357,932	1,093,936
Council				
EduTech	2,652,348	2,652,348		2,652,348
Wide area network	7,543,414	7,542,461	(250)	7,542,211
Geographic information	687,206	686,562	(125)	686,437
system				
Criminal justice information	2,700,000	2,381,090	318,910	2,700,000
sharing				
Contingent appropriation			8,125,784	8,125,784
Total all funds	\$109,640,934	\$108,167,550	\$794,567	\$108,962,117
Less estimated income	98,830,575	98,702,656	(29,329)	98,673,327
General fund	\$10,810,359	\$9,464,894	\$823,896	\$10,288,790
FTE	265.20	265.20	0.00	265.20

Dept. 112 - Information Technology Department - Detail of House Changes

REDUCES RECOMMENDED	RESTORES FUNDING FOR THE	RESTORES FUNDING FOR THE CRIMINAL JUSTICE	ADDS FUNDING FOR A NORTH DAKOTA	REMOVES FUNDING RELATING TO MEDICAID MANAGEMENT INFORMATION SYSTEM PROJECT
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	FUNDING FOR HEALTH INSURANCE	EDUCATIONAL TECHNOLOGY COUNCIL ¹	INFORMATION SHARING INITIATIVE ²	STUDIES TEXTBOOK PROPOSAL ³	AND PROVIDES A CONTINGENT APPROPRIATION ⁴	TOTAL HOUSE CHANGES
Salaries and wages	(\$25,459)				(\$1,259,810)	(\$1,285,269)
Operating expenses					(6,865,974)	(6,865,974)
Capital assets						
Division of Independent Study	(5,241)			\$148,800		143,559
Educational Technology Council	(250)	\$358,182				357,932
EduTech						
Wide area network	(250)					(250)
Geographic information system	(125)					(125)
Criminal justice information sharing			\$318,910			
Contingent appropriation					8,125,784	8,125,784
Total all funds	(\$31,325)	\$358,182	\$318,910	\$148,800	\$0	\$794,567
Less estimated income	(29,329)					(29,329)
General fund	(\$1,996)	\$358,182	\$318,910	\$148,800	\$0	\$823,896
FTE	0.00	0.00	0.00	0.00	0.00	0.00

¹ This amendment increases funding for Educational Technology Council grants to schools by \$358,182, from \$435,000 to \$793,182. The amendment provides funding for the following grant initiatives:

- \$22,000 for Internet2 membership.
- \$200,000 for classroom transformation grants.
- \$50,000 for atomic learning licenses.
- \$86,182 for Internet2 educational support.

The Senate reduced funding for Educational Technology Council grants to schools by \$1,018,182, from \$1,453,182 to \$435,000.

² This amendment restores funding of \$318,910 from the general fund which was removed by the Senate for the criminal justice information sharing initiative. The amendment also adds a section of legislative intent providing that if federal funds become available the department should use the federal funds for the initiative before the funding appropriated from the general fund.

³ This amendment increases funding for the Division of Independent Study by \$148,800 from the general fund for the purpose of developing, publishing, and distributing a North Dakota studies textbook and workbook, including civic education for grades 4 and 8.

⁴ This amendment provides that the funding and FTE positions associated with the replacement of the Medicaid management information system is contingent upon the approval of the project by the Legislative Assembly.

This amendment also adds a section to amend subsection 11 of North Dakota Century Code Section 28-32-01 to provide that certain policies, standards, and guidelines of the Information Technology Department are exempt from compliance with the Administrative Agencies Practice Act.

Senate Bill No. 2021 - Industrial Commission - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Operating expenses			\$40,000	\$40,000
Capital assets			<u>60,000</u>	<u>60,000</u>
Total all funds	\$0	\$0	\$100,000	\$100,000
Less estimated income				
General fund	\$0	\$0	\$100,000	\$100,000
FTE	0.00	0.00	0.00	0.00

Dept. 405 - Industrial Commission - Detail of House Changes

	ADDS FUNDING FOR COSTS ASSOCIATED WITH INTERNET2 ¹	TOTAL HOUSE CHANGES
Operating expenses	\$40,000	\$40,000
Capital assets	<u>60,000</u>	<u>60,000</u>
Total all funds	\$100,000	\$100,000
Less estimated income		
General fund	\$100,000	\$100,000
FTE	0.00	0.00

¹ This amendment provides a \$100,000 general fund appropriation to the Industrial Commission for the costs associated with connecting the state paleontologist located in the Heritage Center to Internet2.

REPORT OF STANDING COMMITTEE

SB 2023, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2023 was placed on the Sixth order on the calendar.

Page 1, line 4, after the second semicolon insert "to provide an appropriation; to amend and reenact section 48-01.1-09 of the North Dakota Century Code, relating to the use of a construction manager;"

Page 1, line 20, replace "3,500,000" with "3,632,691"

Page 1, line 21, replace "3,300,000" with "3,500,000"

Page 2, remove line 7

Page 2, remove lines 10 and 11

Page 2, line 13, replace "28,595,557" with "23,078,248"

Page 3, remove lines 1 through 5

Page 3, line 11, replace "35,895,557" with "30,178,248"

Page 4, line 4, remove "- HERITAGE CENTER"

Page 4, line 7, remove "This study must include the long-term needs of the North Dakota heritage center."

Page 4, after line 9, insert:

"SECTION 5. APPROPRIATION - HERITAGE CENTER STUDY. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of conducting a study regarding an expanded heritage center, including archive storage, exhibit area, and all other such spaces necessary to complete the facility as outlined in the North Dakota state capitol complex master plan dated December 14, 2000. The study also must examine an alternate location for a comparable replacement facility on the capitol grounds taking into account the cost to retrofit the existing heritage center and long-range plans for the capitol grounds. The office of management and budget shall present the results of the study to the sixtieth legislative assembly.

SECTION 6. AMENDMENT. Section 48-01.1-09 of the North Dakota Century Code is amended and reenacted as follows:

48-01.1-09. Use of construction manager. If a governing body uses a construction manager on a public improvement, the construction manager must be a licensed contractor. The architect awarded the design contract and the construction manager awarded the construction management contract for a public improvement shall carry out their contractual duties as agents to the public improvement entity. The architect and construction manager may not construct any portion of the public improvement and may not contract with any contractor or subcontractor to construct any portion of the work. The construction manager awarded the contract for ~~construction of~~ a public improvement shall bond the entire cost of the project through a single bond; or through bonds provided by all bid packages and the construction manager's bond for the full amount of the construction manager's services. If the total of the bonds is less than the total project bid, the construction manager shall bond the difference between the total of the bonds and the total project bid."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2023 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Office of Management and Budget				
Total all funds	\$3,155,000	\$3,155,000	\$150,000	\$3,305,000
Less estimated income	<u>3,155,000</u>	<u>3,155,000</u>		<u>3,155,000</u>
General fund	\$0	\$0	\$150,000	\$150,000
Attorney General				
Total all funds	\$3,632,691	\$3,500,000	\$132,691	\$3,632,691
Less estimated income	<u>3,632,691</u>	<u>3,500,000</u>	<u>132,691</u>	<u>3,632,691</u>
General fund	\$0	\$0	\$0	\$0
University of North Dakota				
Total all funds	\$2,331,554	\$2,331,554	\$0	\$2,331,554
Less estimated income	<u>2,331,554</u>	<u>2,331,554</u>		<u>2,331,554</u>
General fund	\$0	\$0	\$0	\$0
North Dakota State University				
Total all funds	\$3,500,000	\$3,300,000	\$200,000	\$3,500,000
Less estimated income	<u>3,500,000</u>	<u>3,300,000</u>	<u>200,000</u>	<u>3,500,000</u>
General fund	\$0	\$0	\$0	\$0
State College of Science				
Total all funds	\$736,000	\$736,000	\$0	\$736,000
Less estimated income	<u>736,000</u>	<u>736,000</u>		<u>736,000</u>
General fund	\$0	\$0	\$0	\$0
Dickinson State University				
Total all funds	\$4,100,557	\$4,100,557	\$0	\$4,100,557
Less estimated income	<u>4,100,557</u>	<u>4,100,557</u>		<u>4,100,557</u>
General fund	\$0	\$0	\$0	\$0
Minot State University - Bottineau				
Total all funds	\$0	\$2,500,000	\$0	\$2,500,000
Less estimated income		<u>2,500,000</u>		<u>2,500,000</u>
General fund	\$0	\$0	\$0	\$0
Department of Human Services				
Total all funds	\$455,000	\$0	\$0	\$0
Less estimated income	<u>455,000</u>			
General fund	\$0	\$0	\$0	\$0
Department of Corrections and Rehabilitation				
Total all funds	\$3,586,510	\$1,564,000	\$0	\$1,564,000
Less estimated income	<u>3,586,510</u>	<u>1,564,000</u>		<u>1,564,000</u>
General fund	\$0	\$0	\$0	\$0
Branch Research Centers				
Total all funds	\$1,320,000	\$2,040,000	(\$350,000)	\$1,690,000
Less estimated income	<u>1,320,000</u>	<u>2,040,000</u>	<u>(350,000)</u>	<u>1,690,000</u>
General fund	\$0	\$0	\$0	\$0
Main Research Station				
Total all funds	\$4,500,000	\$7,000,000	\$0	\$7,000,000
Less estimated income	<u>4,500,000</u>	<u>7,000,000</u>		<u>7,000,000</u>
General fund	\$0	\$0	\$0	\$0
State Historical Society				
Total all funds	\$1,600,000	\$7,300,000	(\$5,700,000)	\$1,600,000
Less estimated income	<u>1,600,000</u>	<u>7,300,000</u>	<u>(5,700,000)</u>	<u>1,600,000</u>
General fund	\$0	\$0	\$0	\$0
Parks and Recreation Department				
Total all funds	\$700,000	\$700,000	\$0	\$700,000
Less estimated income	<u>700,000</u>	<u>700,000</u>		<u>700,000</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$29,617,312	\$38,227,111	(\$5,567,309)	\$32,659,802
Less estimated income	<u>29,617,312</u>	<u>38,227,111</u>	<u>(5,717,309)</u>	<u>32,509,802</u>
General fund	\$0	\$0	\$150,000	\$150,000

Senate Bill No. 2023 - Office of Management and Budget - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Operating expenses			\$150,000	\$150,000
Capital assets	<u>\$3,155,000</u>	<u>\$3,155,000</u>		<u>\$3,155,000</u>
Total all funds	\$3,155,000	\$3,155,000	\$150,000	\$3,305,000
Less estimated income	<u>3,155,000</u>	<u>3,155,000</u>		<u>3,155,000</u>
General fund	\$0	\$0	\$150,000	\$150,000
FTE	0.00	0.00	0.00	0.00

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

	PROVIDES FUNDING FOR A STUDY OF EXPANDING THE HERITAGE CENTER ¹	TOTAL HOUSE CHANGES
Operating expenses	\$150,000	\$150,000
Capital assets		

Total all funds	\$150,000	\$150,000
Less estimated income		
General fund	\$150,000	\$150,000
FTE	0.00	0.00

¹ This amendment provides a \$150,000 general fund appropriation to the Office of Management and Budget for the purpose of conducting a study regarding an expansion of the Heritage Center.

Senate Bill No. 2023 - Attorney General - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital assets	<u>\$3,632,691</u>	<u>\$3,500,000</u>	<u>\$132,691</u>	<u>\$3,632,691</u>
Total all funds	\$3,632,691	\$3,500,000	\$132,691	\$3,632,691
Less estimated income	<u>3,632,691</u>	<u>3,500,000</u>	<u>132,691</u>	<u>3,632,691</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 125 - Attorney General - Detail of House Changes

	INCREASES FUNDING FOR CRIME LAB ADDITION AND RENOVATION	TOTAL HOUSE CHANGES
Capital assets	<u>\$132,691</u>	<u>\$132,691</u>
Total all funds	\$132,691	\$132,691
Less estimated income	<u>132,691</u>	<u>132,691</u>
General fund	\$0	\$0
FTE	0.00	0.00

Senate Bill No. 2023 - North Dakota State University - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital assets	<u>\$3,500,000</u>	<u>\$3,300,000</u>	<u>\$200,000</u>	<u>\$3,500,000</u>
Total all funds	\$3,500,000	\$3,300,000	\$200,000	\$3,500,000
Less estimated income	<u>3,500,000</u>	<u>3,300,000</u>	<u>200,000</u>	<u>3,500,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 235 - North Dakota State University - Detail of House Changes

	INCREASES FUNDING FOR HAZARDOUS MATERIAL HANDLING AND STORAGE FACILITY	TOTAL HOUSE CHANGES
Capital assets	<u>\$200,000</u>	<u>\$200,000</u>
Total all funds	\$200,000	\$200,000
Less estimated income	<u>200,000</u>	<u>200,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

Senate Bill No. 2023 - Branch Research Centers - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital assets	<u>\$1,320,000</u>	<u>\$2,040,000</u>	<u>(\$350,000)</u>	<u>\$1,690,000</u>
Total all funds	\$1,320,000	\$2,040,000	(\$350,000)	\$1,690,000
Less estimated income	<u>1,320,000</u>	<u>2,040,000</u>	<u>(350,000)</u>	<u>1,690,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 628 - Branch Research Centers - Detail of House Changes

	REMOVES FUNDING FOR CENTRAL GRASSLANDS RESEARCH EXTENSION CENTER ADDITION	TOTAL HOUSE CHANGES
Capital assets	<u>(\$350,000)</u>	<u>(\$350,000)</u>
Total all funds	(\$350,000)	(\$350,000)
Less estimated income	<u>(350,000)</u>	<u>(350,000)</u>
General fund	\$0	\$0
FTE	0.00	0.00

Senate Bill No. 2023 - State Historical Society - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital assets	<u>\$1,600,000</u>	<u>\$7,300,000</u>	<u>(\$5,700,000)</u>	<u>\$1,600,000</u>
Total all funds	\$1,600,000	\$7,300,000	(\$5,700,000)	\$1,600,000
Less estimated income	<u>1,600,000</u>	<u>7,300,000</u>	<u>(5,700,000)</u>	<u>1,600,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 701 - State Historical Society - Detail of House Changes

	REMOVES FUNDING FOR HISTORICAL SOCIETY AND HERITAGE CENTER RESEARCH COLLECTIONS	TOTAL HOUSE CHANGES
Capital assets	<u>(\$5,700,000)</u>	<u>(\$5,700,000)</u>
Total all funds	(\$5,700,000)	(\$5,700,000)
Less estimated income	<u>(5,700,000)</u>	<u>(5,700,000)</u>
General fund	\$0	\$0
FTE	0.00	0.00

REPORT OF STANDING COMMITTEE

SB 2342, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 6 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2342 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "the budget" with "annual payment rates"

Page 1, line 8, replace "inflating historical costs by the annual percentage developed for long-term care" with "applying the inflation rate for these providers used to develop the legislative appropriation for the department."

Page 1, remove line 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2383, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2383 was placed on the Sixth order on the calendar.

Page 2, line 15, replace "The funds provided in this section, or so much of the" with "There is"

Page 2, line 16, remove "funds as may be necessary, are"

Page 2, line 17, after the second comma insert "the sum of \$100,000, or so much of the sum as may be necessary,"

Page 2, line 19, replace ", as follows:" with a period

Page 2, remove lines 20 through 26

Renumber accordingly

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

Bradley C. Fay, Chief Clerk

