

**JOURNAL OF THE HOUSE**

**Fifty-ninth Legislative Assembly**

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**Bismarck, March 29, 2005**

The House convened at 8:00 a.m., with Speaker Klein presiding.

The prayer was offered by Pastor John Syvertson, Dovre Lutheran Church, Osnabrock.

The roll was called and all members were present except Representatives Brusegaard, Hunskor, and Zaiser.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER KLEIN DEEMED** approval of SB 2001 SB 2016, SB 2020, SB 2021, SB 2023 and SB 2383.

SB 2001, SB 2016, SB 2020, SB 2021, SB 2023 and SB 2383, as amended, were placed on the Fourteenth order of business on the calendar.

**SIXTH ORDER OF BUSINESS**

**SB 2342: REP. POLLERT (Human Services Committee) MOVED** that the amendments on HJ page 1366 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2342:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to developmental disabilities service providers.

**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 78 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Conrad; Delmore; Ekstrom; Glassheim; Metcalf; Mueller; Nottestad; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Williams

**ABSENT AND NOT VOTING:** Brusegaard; Hunskor; Zaiser

Engrossed SB 2342 passed and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4012:** A concurrent resolution for the amendment of section 16 of article XI of the Constitution of North Dakota, relating to the definition of this state's militia; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer;

Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thorpe; Timm; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Speaker Klein

**NAYS:** Bellew; Meier, L.; Sitte; Thoreson; Wald

**ABSENT AND NOT VOTING:** Brusegaard; Hunskor; Wrangham; Zaiser

SCR 4012 passed and the title was agreed to.

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#### MOTION

**REP. MONSON MOVED** that SB 2280 and SB 2371 be moved to the bottom of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2296:** A BILL for an Act to amend and reenact section 61-04-06.2 of the North Dakota Century Code, relating to water permit terms.

#### 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 46 YEAS, 41 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Bernstein; Boe; Boehning; Boucher; Carlson; Clark; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Grande; Gulleson; Hanson; Hawken; Horter; Iverson; Johnson, N.; Kaldor; Kasper; Kelsh, S.; Kerzman; Kingsbury; Koppelman; Kreidt; Kroeber; Maragos; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Pietsch; Porter; Potter; Sandvig; Schmidt; Thoreson; Thorpe; Wald; Weiler; Wieland; Williams

**NAYS:** Belter; Brandenburg; Carlisle; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Haas; Headland; Herbel; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Klemin; Kretschmar; Martinson; Meier, L.; Monson; Nicholas; Norland; Nottestad; Owens; Pollert; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Solberg; Timm; Uglem; Vigesaa; Wall; Weisz; Speaker Klein

**ABSENT AND NOT VOTING:** Berg; Brusegaard; Charging; Hunskor; Svedjan; Wrangham; Zaiser

SB 2296 lost.

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#### SECOND READING OF SENATE BILL

**SB 2368:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to organization number plates.

#### 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 50 YEAS, 37 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bernstein; Boe; Boucher; Carlisle; Damschen; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Glassheim; Gulleson; Haas; Hanson; Hawken; Herbel; Horter; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Potter; Price; Schmidt; Solberg; Thorpe; Uglem; Wall; Weiler; Weisz; Williams

**NAYS:** Amerman; Bellew; Belter; Boehning; Brandenburg; Carlson; Clark; Conrad; DeKrey; Delzer; Devlin; Drovdal; Froseth; Galvin; Grande; Headland; Iverson; Kasper; Kempenich; Koppelman; Kreidt; Monson; Pietsch; Pollert; Porter; Rennerfeldt; Ruby;

Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Timm; Vigesaa; Wald; Wieland;  
Speaker Klein

**ABSENT AND NOT VOTING:** Berg; Brusegaard; Charging; Hunskor; Norland; Wrangham;  
Zaiser

Engrossed SB 2368 passed and the title was agreed to.

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#### MOTION

**REP. MONSON MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Owens, Dietrich, Svedjan and Sens. Espegard, Hacker, Holmberg introduced:

(Approved by the Delayed Bills Committee)

**HCR 3058:** A concurrent resolution urging the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees.

Was read the first time.

#### MOTION

**REP. MONSON MOVED** that the rules be suspended, that HCR 3058 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. Owens, Dietrich, Svedjan and Sens. Espegard, Hacker, Holmberg introduced:

(Approved by the Delayed Bills Committee)

#### HOUSE CONCURRENT RESOLUTION NO. 3058

A concurrent resolution urging the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees.

**WHEREAS**, the Grand Forks Automated Flight Service Station provides pilots with weather and aeronautical data to help them make critical and often lifesaving decisions; and

**WHEREAS**, whether assisting University of North Dakota student pilots, coordinating air ambulance flights to our rural communities, relaying data to commercial operators flying passengers and supplies over the state, often in the worst of weather, or assisting the military in matters of national security, the Grand Forks Automated Flight Service Station provides an invaluable service that is intimately related to the public interest; and

**WHEREAS**, the Grand Forks Automated Flight Service Station is responsible for the continuous monitoring of international border air space and daily support of the missions of the Minot Air Force Base, Grand Forks Air Force Base, Fargo Air National Guard, and Bismarck National Guard flight operations; and

**WHEREAS**, maintaining the Grand Forks Automated Flight Service Station with proper staffing levels and equipment is a fundamental necessity in the continuation of these crucial services; and

**WHEREAS**, the Federal Aviation Administration is primarily responsible for the safety and security of aviation;

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

That the Fifty-ninth Legislative Assembly urges the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President and Vice President of the United States, the administrator of the Federal Aviation Administration, and to each member of the United States Senate and United States House of Representatives.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3058:** A concurrent resolution urging the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees.

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

HCR 3058 was declared adopted on a voice vote.

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**MOTION**

**REP. HERBEL MOVED** that the House reconsider its action whereby SB 2368 passed, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2368:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to organization number plates.

**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 52 YEAS, 39 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boucher; Conrad; Damschen; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Gulleson; Haas; Hanson; Hawken; Herbel; Horter; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Potter; Price; Sandvig; Schmidt; Thorpe; Uglem; Wall; Weiler; Weisz; Williams; Zaiser

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; DeKrey; Delzer; Devlin; Dietrich; Drovdal; Froseth; Galvin; Grande; Headland; Iverson; Kasper; Kempenich; Koppelman; Kreidt; Monson; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Vigesaa; Wald; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Hunskor; Nicholas; Solberg

Engrossed SB 2368 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2370:** A BILL for an Act to amend and reenact subsection 6 of section 11-10-10 of the North Dakota Century Code, relating to the salary of state's attorneys; 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 45 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boucher; Brusegaard; Conrad; DeKrey; Delmore; Ekstrom; Glassheim; Gulleson; Haas; Hanson; Hawken; Herbel; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kretschmar; Kroeber; Maragos; Metcalf; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Potter; Price; Sandvig; Schmidt; Thorpe; Timm; Uglem; Wall; Weisz; Williams; Zaiser; Speaker Klein

**NAYS:** Bellew; Belter; Bernstein; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Headland; Horter; Iverson; Kasper; Keiser; Kempenich; Koppelman; Kreidt; Martinson; Meier, L.; Meyer, S.; Monson; Norland; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Vigesaa; Wald; Weiler; Wieland; Wrangham

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

Engrossed SB 2370 lost.

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**SECOND READING OF SENATE BILL**

**SB 2372:** A BILL for an Act to provide for a legislative council study relating to efforts to discourage alcohol and drug abuse and tobacco use.

**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 81 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleston; Haas; Hanson; Hawken; Herbel; Horter; 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; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Belter; Brandenburg; Carlson; Delzer; Grande; Headland; Pollert; Sitte; Skarphol; Wald

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

Engrossed SB 2372 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2384:** A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-06 and section 53-06.1-10.1 of the North Dakota Century Code, relating to raffles and games of chance accounting records.

**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, 1 NAY, 0 EXCUSED, 4 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; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Kingsbury

**ABSENT AND NOT VOTING:** Hunskor; Johnson, D.; Price; Solberg

SB 2384 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

**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, 0 NAYS, 0 EXCUSED, 4 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; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; 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; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby;

Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Hunskor; Johnson, D.; Solberg; Weisz

Engrossed SB 2005 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts; to provide an appropriation from the cultural endowment fund; and to amend and reenact section 54-54-04 of the North Dakota Century Code, relating to employees of the council on the arts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Horter; 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; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Brusegaard; Damschen; DeKrey; Ruby

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

Engrossed SB 2010 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2011:** A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleason; Hanson; Hawken; Horter; 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; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Williams; Speaker Klein

**NAYS:** Bellew; Belter; Carlson; Delzer; Devlin; Grande; Haas; Headland; Herbel; Kasper; Skarphol; Weisz; Wieland; Wrangham; Zaiser

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

Engrossed SB 2011 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to provide for alternative and delayed distributions from

the highway tax distribution fund to cities and counties and development of a roadway plan; to create and enact section 24-02-40.1, a new section to chapter 24-08, and a new section to chapter 57-40.3 of the North Dakota Century Code, relating to grant or revenue anticipation financing by the department of transportation, naming of the liberty memorial bridge, and a separate and additional motor vehicle excise tax; to amend and reenact sections 24-01-03, 24-01-51, 39-04-19, 57-40.3-02, 57-40.3-10, 57-43.1-02, and 57-43.2-02 of the North Dakota Century Code, relating to highway and bridge maintenance, haying of no-mow areas, motor vehicle registration fees, allocation of the separate and additional motor vehicle excise tax revenue, and motor vehicle fuels and special fuels tax rates; to repeal section 39-04-39.5 of the North Dakota Century Code, relating to allocation of motor vehicle registration fees; to provide an effective date; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 62 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bernstein; Boe; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glasheim; Haas; Hawken; Headland; Herbel; Horter; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Kingsbury; Klemmin; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Metcalf; Monson; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Schmidt; Svedjan; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Boehning; Carlson; Damschen; Delzer; Froelich; Grande; Gulleeson; Hanson; Iverson; Kaldor; Kasper; Keiser; Kelsh, S.; Kerzman; Koppelman; Kroeber; Meyer, S.; Mueller; Onstad; Ruby; Sandvig; Sitte; Skarphol; Thoreson; Weiler; Zaiser

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

Engrossed SB 2012 passed, the title was agreed to, but the emergency clause lost.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

**SCR 4030:** A concurrent resolution directing the Legislative Council to study the delivery of long-term care services in North Dakota with primary emphasis on the individual's preferred method of care, patient safety, quality of care, potential duplication of service, and the direction of state assistance.

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

SCR 4030 was declared adopted on a voice vote, and the title was agreed to.

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#### MOTION

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

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1148 as printed on HJ pages 1234-1235 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 1148: Reps. Porter, Price, Potter.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1248 as printed on HJ page 1215 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 1248: Reps. Weisz, Nelson, Sandvig.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to HB 1284 as printed on HJ page 1321 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 1284: Reps. Klemin, Koppelman, Zaiser.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1359 as printed on HJ page 1190 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 1359: Reps. Porter, Nelson, Kaldor.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2005, SB 2010, SB 2011, SB 2368, SB 2372, SB 2384, SCR 4030.

**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 3058.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4012.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause failed: SB 2012, SB 2227.

**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 1148, HB 1248, HB 1284, and HB 1359 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1148:** Reps. Porter; Price; Potter

**HB 1248:** Reps. Weisz; Nelson; Sandvig

**HB 1284:** Reps. Klemin; Koppelman; Zaiser

**HB 1359:** Reps. Porter; Nelson; Kaldor

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2111, SB 2174, SB 2187, and SB 2190 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2111:** Sens. Epegard; Nething; Heitkamp

**SB 2174:** Sens. Krebsbach; Mutch; Heitkamp

**SB 2187:** Sens. Krebsbach; Nething; Fairfield

**SB 2190:** Sens. Epegard; Nething; Heitkamp

**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 1028:** Sens. Nething; Klein; Fairfield

**HB 1188:** Sens. Klein; Krebsbach; Fairfield

**HB 1209:** Sens. Cook; Wardner; Every

**HB 1314:** Sens. Krebsbach; Mutch; Heitkamp

**HB 1347:** Sens. Epegard; Klein; Heitkamp

**HB 1438:** Sens. Cook; Dever; Triplett

**HB 1453:** Sens. Syverson; Krebsbach; Nelson

**HCR3048:** Sens. Flakoll; G. Lee; Taylor

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 29, 2005: 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:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1002, HB 1017, HB 1020.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002**

Page 1, line 2, after the semicolon insert "to provide an exemption;"

Page 1, line 3, replace "section" with "sections" and after "54-09-05" insert "and 54-09-08"

Page 1, line 4, after "state" insert "and the secretary of state's general services operating fund"

Page 2, line 7, replace "133,738" with "130,493"

Page 2, line 10, replace "79,853" with "79,728"

Page 2, line 11, replace "279,063" with "275,693"

Page 2, line 12, replace "63,378" with "63,253"

Page 2, line 13, replace "215,685" with "212,440"

Page 2, line 18, replace "206,685" with "203,440"

Page 2, line 19, replace "63,378" with "63,253"

Page 2, line 20, replace "270,063" with "266,693"

Page 2, line 29, replace "2,287,356" with "2,284,111"

Page 3, line 2, replace "9,579,853" with "9,579,728"

Page 3, line 3, replace "13,966,270" with "13,962,900"

Page 3, line 4, replace "9,943,741" with "9,943,616"

Page 3, line 5, replace "4,022,529" with "4,019,284"

Page 3, line 10, replace "4,349,529" with "4,346,284"

Page 3, line 11, replace "9,943,741" with "9,943,616"

Page 3, line 12, replace "14,293,270" with "14,289,900"

Page 3, after line 17, insert:

**"SECTION 5. EXEMPTION.** The appropriation contained in subdivision 1 of section 1 of chapter 2 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$105,000, and this amount may be used as state matching funds for federal election reform funding available to the state, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 3, after line 23, insert:

**"SECTION 7. AMENDMENT.** Section 54-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-09-08. Secretary of state's general services operating fund.** The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be used pursuant to legislative appropriations for the provision of services under section 16.1-02-15, subsection 6 of section 41-09-94, subsection 9 of section 54-09-04, and sections 54-09-10 and 54-09-11. At the close of each ~~fiscal year~~biennium, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund."

Page 3, line 24, after "3" insert "and section 5"

Page 3, line 25, replace "is" with "are"

ReNUMBER accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

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

|                       | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Secretary of State    |                     |                  |                   |                   |
| Total all funds       | \$14,521,822        | \$13,966,270     | (\$3,370)         | \$13,962,900      |
| Less estimated income | <u>10,316,535</u>   | <u>9,943,741</u> | <u>(125)</u>      | <u>9,943,616</u>  |
| General fund          | \$4,205,287         | \$4,022,529      | (\$3,245)         | \$4,019,284       |
| Public Printing       |                     |                  |                   |                   |
| Total all funds       | \$327,000           | \$327,000        | \$0               | \$327,000         |
| Less estimated income |                     |                  |                   |                   |
| General fund          | <u>\$327,000</u>    | <u>\$327,000</u> | <u>\$0</u>        | <u>\$327,000</u>  |
| Bill Total            |                     |                  |                   |                   |
| Total all funds       | \$14,848,822        | \$14,293,270     | (\$3,370)         | \$14,289,900      |
| Less estimated income | <u>10,316,535</u>   | <u>9,943,741</u> | <u>(125)</u>      | <u>9,943,616</u>  |
| General fund          | \$4,532,287         | \$4,349,529      | (\$3,245)         | \$4,346,284       |

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

|                       | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages    | \$2,296,214         | \$2,287,356      | (\$3,245)         | \$2,284,111       |
| Operating expenses    | 2,326,061           | 2,076,061        |                   | 2,076,061         |
| Capital assets        | 15,000              | 15,000           |                   | 15,000            |
| Petition review       | 8,000               | 8,000            |                   | 8,000             |
| Election reform       | <u>9,876,547</u>    | <u>9,579,853</u> | <u>(125)</u>      | <u>9,579,728</u>  |
| Total all funds       | \$14,521,822        | \$13,966,270     | (\$3,370)         | \$13,962,900      |
| Less estimated income | <u>10,316,535</u>   | <u>9,943,741</u> | <u>(125)</u>      | <u>9,943,616</u>  |
| General fund          | \$4,205,287         | \$4,022,529      | (\$3,245)         | \$4,019,284       |
| FTE                   | 27.00               | 27.00            | 0.00              | 27.00             |

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

|                       | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE | TOTAL<br>SENATE<br>CHANGES |
|-----------------------|--|----------------------------|
| Salaries and wages    | (\$3,245)  | (\$3,245)                  |
| Operating expenses    |  |                            |
| Capital assets        |  |                            |
| Petition review       |  |                            |
| Election reform       | <u>(125)</u>   | <u>(125)</u>               |
| Total all funds       | (\$3,370)  | (\$3,370)                  |
| Less estimated income | <u>(125)</u>   | <u>(125)</u>               |
| General fund          | (\$3,245)  | (\$3,245)                  |
| FTE                   | 0.00   | 0.00                       |

A section is added as an emergency authorizing the Secretary of State to continue, for the 2005-07 biennium, any unspent appropriation authority remaining from the agency's authorized carryover from the 2001-03 biennium of up to \$105,000 for providing state matching funds for federal election reform funding.

A section is added amending Section 54-09-08 requiring the Secretary of State to transfer any amounts in the Secretary of State's general services operating fund exceeding \$75,000 at the end of a biennium to the general fund rather than at the end of each fiscal year.

## SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1017

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriations" insert "; and to declare an emergency"

Page 2, line 1, replace "177,549" with "174,055"

Page 2, line 5, replace "(36,637)" with "(36,762)"

Page 2, line 7, replace "833,502" with "827,137"

Page 2, line 8, replace "9,616,967" with "9,610,477"

Page 2, line 9, replace "15,799" with "15,425"

Page 2, line 10, replace "17,864,054" with "17,847,206"

Page 2, line 11, replace "10,625,002" with "10,612,621"

Page 2, line 12, replace "7,239,052" with "7,234,585"

Page 2, line 18, replace "3,746,065" with "3,742,571"

Page 2, line 22, replace "156,383" with "156,258"

Page 2, line 24, replace "7,151,866" with "7,145,501"

Page 2, line 25, replace "24,987,952" with "24,981,462"

Page 2, line 26, replace "290,945" with "290,571"

Page 2, line 27, replace "47,753,753" with "47,736,905"

Page 2, line 28, replace "31,343,718" with "31,331,337"

Page 2, line 29, replace "16,410,035" with "16,405,568"

Page 3, line 16, replace "transferred to the veterans' cemetery trust" with "retained by the adjutant general's office for continuing veterans' bonus needs"

Page 3, line 17, remove "fund"

Page 3, after line 17, insert:

**"SECTION 7. APPROPRIATION.** There is appropriated from special funds derived from federal funds the sum of \$3,000,000, or so much of the sum as may be necessary, to the adjutant general's office for the purpose of completing construction projects at federally supported facilities and roads, for the period beginning with the effective date of this Act and ending June 30, 2005.

**SECTION 8. EMERGENCY.** Section 7 of this Act is declared to be an emergency measure."

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1017 - Adjutant General - Senate Action

|  | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION  | SENATE<br>CHANGES | SENATE<br>VERSION |
|--|---------------------|-------------------|-------------------|-------------------|
| Salaries and wages                     | \$3,757,644         | \$3,746,065       | (\$3,494)         | \$3,742,571       |
| Operating expenses                     | 3,213,528           | 3,213,528         |                   | 3,213,528         |
| Capital assets                         | 870,000             | 870,000           |                   | 870,000           |
| Grants                                 | 5,329,514           | 5,329,514         |                   | 5,329,514         |
| Civil Air Patrol                       | 156,714             | 156,383           | (125)             | 156,258           |
| Tuition and enlistment<br>compensation | 2,007,500           | 2,007,500         |                   | 2,007,500         |
| Air Guard contract                     | 7,174,492           | 7,151,866         | (6,365)           | 7,145,501         |
| Army Guard contract                    | 25,008,357          | 24,987,952        | (6,490)           | 24,981,462        |
| Veterans' Cemetery                     | <u>292,003</u>      | <u>290,945</u>    | <u>(374)</u>      | <u>290,571</u>    |
| Total all funds                        | \$47,809,752        | \$47,753,753      | (\$16,848)        | \$47,736,905      |
| Less estimated income                  | <u>31,384,915</u>   | <u>31,343,718</u> | <u>(12,381)</u>   | <u>31,331,337</u> |
| General fund                           | \$16,424,837        | \$16,410,035      | (\$4,467)         | \$16,405,568      |
| FTE                                    | 139.00              | 139.00            | 0.00              | 139.00            |

#### Dept. 540 - Adjutant General - Detail of Senate Changes

|                    | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE 1 | TOTAL<br>SENATE<br>CHANGES |
|--------------------|--|----------------------------|
| Salaries and wages | (\$3,494)  | (\$3,494)                  |

|                                     |            |            |
|-------------------------------------|------------|------------|
| Operating expenses                  |            |            |
| Capital assets                      |            |            |
| Grants                              |            |            |
| Civil Air Patrol                    | (125)      | (125)      |
| Tuition and enlistment compensation |            |            |
| Air Guard contract                  | (6,365)    | (6,365)    |
| Army Guard contract                 | (6,490)    | (6,490)    |
| Veterans' Cemetery                  | (374)      | (374)      |
| Total all funds                     | (\$16,848) | (\$16,848) |
| Less estimated income               | (12,381)   | (12,381)   |
| General fund                        | (\$4,467)  | (\$4,467)  |
| FTE                                 | 0.00       | 0.00       |

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

This amendment also amends Section 6 of the engrossed bill to provide that any unspent general fund appropriation relating to the \$5,000,000 appropriated for the payment of adjusted compensation to veterans shall be retained by the Adjutant General for continuing bonus needs. The House provided that any unspent general fund appropriation relating to the adjusted compensation be transferred to the Veterans' Cemetery trust fund.

A section is added appropriating \$3 million of federal funds to the Adjutant General for the remainder of the 2003-05 biennium for completing construction projects at federally supported facilities and roads.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1020

Page 2, after line 4, insert:

"Subdivision 1."

Page 2, line 6, replace "529,031" with "523,038"

Page 2, line 9, replace "2,594,000" with "2,144,000"

Page 2, line 10, replace "(448,161)" with "(143,283)"

Page 2, line 11, replace "2,555,021" with "2,403,906"

Page 2, line 12, replace "1,602,586" with "1,602,087"

Page 2, line 13, replace "952,435" with "801,819"

Page 2, after line 13, insert:

"Subdivision 2.

#### INTERNATIONAL PEACE GARDEN

|   |              |
|---|--------------|
| International Peace Garden                    | \$250,000    |
| Total general fund - Adjustments/enhancements | \$250,000    |
| Total general fund - Section 2                | \$1,051,819  |
| Total special funds - Section 2               | \$1,602,087  |
| Total all funds - Section 2                   | \$2,653,906" |

Page 2, line 22, replace "5,783,597" with "5,777,604"

Page 2, line 25, replace "6,930,000" with "6,480,000"

Page 2, line 26, replace "312,457" with "617,335"

Page 2, line 27, replace "20,030,787" with "19,879,672"

Page 2, line 28, replace "12,374,693" with "12,374,194"

Page 2, line 29, replace "7,656,094" with "7,505,478"

Page 3, line 1, replace "352,854" with "602,854"

Page 3, line 2, replace "352,854" with "602,854"

Page 3, line 3, replace "8,008,948" with "8,108,332"

Page 3, line 4, replace "12,374,693" with "12,374,194"

Page 3, line 5, replace "20,383,641" with "20,482,526"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1020 - Summary of Senate Action**

|  | EXECUTIVE BUDGET  | HOUSE VERSION     | SENATE CHANGES   | SENATE VERSION    |
|--|-------------------|-------------------|------------------|-------------------|
| <b>Parks and Recreation Department</b> |                   |                   |                  |                   |
| Total all funds                        | \$20,185,974      | \$20,030,787      | (\$151,115)      | \$19,879,672      |
| Less estimated income                  | <u>12,286,253</u> | <u>12,374,693</u> | (499)            | <u>12,374,194</u> |
| General fund                           | \$7,899,721       | \$7,656,094       | (\$150,616)      | \$7,505,478       |
| <b>International Peace Garden</b>      |                   |                   |                  |                   |
| Total all funds                        | \$602,854         | \$352,854         | \$250,000        | \$602,854         |
| Less estimated income                  |                   |                   |                  |                   |
| General fund                           | <u>\$602,854</u>  | <u>\$352,854</u>  | <u>\$250,000</u> | <u>\$602,854</u>  |
| <b>Bill Total</b>                      |                   |                   |                  |                   |
| Total all funds                        | \$20,788,828      | \$20,383,641      | \$98,885         | \$20,482,526      |
| Less estimated income                  | <u>12,286,253</u> | <u>12,374,693</u> | (499)            | <u>12,374,194</u> |
| General fund                           | \$8,502,575       | \$8,008,948       | \$99,384         | \$8,108,332       |

**House Bill No. 1020 - Parks and Recreation Department - Senate Action**

|                              | EXECUTIVE BUDGET  | HOUSE VERSION     | SENATE CHANGES | SENATE VERSION    |
|------------------------------|-------------------|-------------------|----------------|-------------------|
| Salaries and wages           | \$5,946,469       | \$5,783,597       | (\$5,993)      | \$5,777,604       |
| Operating expenses           | 4,361,533         | 4,299,533         |                | 4,299,533         |
| Capital assets               | 2,780,200         | 2,705,200         |                | 2,705,200         |
| Grants                       | 6,480,000         | 6,930,000         | (450,000)      | 6,480,000         |
| Lewis and Clark Bicentennial | <u>617,772</u>    | <u>312,457</u>    | <u>304,878</u> | <u>617,335</u>    |
| Total all funds              | \$20,185,974      | \$20,030,787      | (\$151,115)    | \$19,879,672      |
| Less estimated income        | <u>12,286,253</u> | <u>12,374,693</u> | (499)          | <u>12,374,194</u> |
| General fund                 | \$7,899,721       | \$7,656,094       | (\$150,616)    | \$7,505,478       |
| FTE                          | 48.50             | 46.50             | 0.00           | 46.50             |

**Dept. 750 - Parks and Recreation Department - Detail of Senate Changes**

|                              | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1 | RESTORES FUNDING FOR FORT STEVENSON AND LAKE SAKAKAWEA PROJECTS 2 | REMOVES FUNDING FOR GRANTS 3 | TOTAL SENATE CHANGES |
|------------------------------|--|---|------------------------------|----------------------|
| Salaries and wages           | (\$5,993)  |   |                              | (\$5,993)            |
| Operating expenses           |  |   |                              |                      |
| Capital assets               |  |   |                              |                      |
| Grants                       |  |   | (\$450,000)                  | (450,000)            |
| Lewis and Clark Bicentennial | (122)  | \$305,000   |                              | 304,878              |
| Total all funds              | (\$6,115)  | \$305,000   | (\$450,000)                  | (\$151,115)          |
| Less estimated income        | (499)  |   |                              | (499)                |
| General fund                 | (\$5,616)  | \$305,000   | (\$450,000)                  | (\$150,616)          |
| FTE                          | 0.00   | 0.00  | 0.00                         | 0.00                 |

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

2 This amendment restores funding of \$160,000 from the general fund for the Fort Stevenson State Park campground rehabilitation and \$145,000 from the general fund for the Lake Sakakawea State Park campground utilities upgrade, for a total of \$305,000 from the general fund the House removed.

3 This amendment removes \$450,000 from the general fund that was added by the House for grants to specific entities.

**House Bill No. 1020 - International Peace Garden - Senate Action**

|                            | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|----------------------------|------------------|---------------|----------------|----------------|
| International Peace Garden | \$602,854        | \$352,854     | \$250,000      | \$602,854      |
| Total all funds            | \$602,854        | \$352,854     | \$250,000      | \$602,854      |

|                       |           |           |           |           |
|-----------------------|-----------|-----------|-----------|-----------|
| Less estimated income |           |           |           |           |
| General fund          | \$602,854 | \$352,854 | \$250,000 | \$602,854 |
| FTE                   | 0.00      | 0.00      | 0.00      | 0.00      |

**Dept. 751 - International Peace Garden - Detail of Senate Changes**

|                            | RESTORES<br>FUNDING<br>FOR THE<br>CONFLICT<br>RESOLUTION<br>CENTER <sup>1</sup> | TOTAL<br>SENATE<br>CHANGES |
|----------------------------|---|----------------------------|
| International Peace Garden | \$250,000   | \$250,000                  |
| Total all funds            | \$250,000   | \$250,000                  |
| Less estimated income      |   |                            |
| General fund               | \$250,000   | \$250,000                  |
| FTE                        | 0.00  | 0.00                       |

<sup>1</sup> This amendment restores funding the House removed for a grant to the International Peace Garden for planning relating to the construction of a conflict resolution center.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1001, HB 1004, HB 1005, HB 1007, HB 1011, HB 1014, HB 1019, HB 1337, HB 1408, HB 1421.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001**

Page 2, line 1, replace "178,703" with "256,471"

Page 2, line 7, replace "1,949,836" with "2,027,604"

Page 2, line 9, replace "169,836" with "247,604"

Page 2, line 16, replace "2,188,553" with "2,266,321"

Page 2, line 21, replace "5,061,722" with "5,139,490"

Page 2, line 23, replace "2,501,722" with "2,579,490"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1001 - Governor's Office - Senate Action**

|                       | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages    | \$2,277,603         | \$2,188,553      | \$77,768          | \$2,266,321       |
| Operating expenses    | 352,369             | 352,369          |                   | 352,369           |
| Grants                | 2,500,000           | 2,500,000        |                   | 2,500,000         |
| Contingencies         | 10,000              | 10,000           |                   | 10,000            |
| Roughrider Awards     | 10,800              | 10,800           |                   | 10,800            |
| Total all funds       | \$5,150,772         | \$5,061,722      | \$77,768          | \$5,139,490       |
| Less estimated income | 2,560,000           | 2,560,000        |                   | 2,560,000         |
| General fund          | \$2,590,772         | \$2,501,722      | \$77,768          | \$2,579,490       |
| FTE                   | 18.00               | 18.00            | 0.00              | 18.00             |

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

|                       | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE | RESTORES<br>FUNDING FOR<br>SENIOR<br>ADVISOR <sup>1</sup> | TOTAL<br>SENATE<br>CHANGES |
|-----------------------|--|---|----------------------------|
| Salaries and wages    | (\$2,122)  | \$79,890  | \$77,768                   |
| Operating expenses    |  |   |                            |
| Grants                |  |   |                            |
| Contingencies         |  |   |                            |
| Roughrider Awards     |  |   |                            |
| Total all funds       | (\$2,122)  | \$79,890  | \$77,768                   |
| Less estimated income |  |   |                            |

|              |           |          |          |
|--------------|-----------|----------|----------|
| General fund | (\$2,122) | \$79,890 | \$77,768 |
| FTE          | 0.00      | 0.00     | 0.00     |

<sup>1</sup> Restores funding removed by the House for a senior policy advisor.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1004**

Page 1, line 17, replace "645,152" with "638,288"

Page 1, line 20, replace "813,676" with "806,812"

Page 1, line 21, replace "301,913" with "299,791"

Page 1, line 22, replace "511,763" with "507,021"

Page 2, line 4, replace "6,626,589" with "6,619,725"

Page 2, line 7, replace "7,512,884" with "7,506,020"

Page 2, line 8, replace "2,419,889" with "2,417,767"

Page 2, line 9, replace "5,092,995" with "5,088,253"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1004 - State Auditor - Senate Action**

|                       | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages    | \$6,516,686         | \$6,626,589      | (\$6,864)         | \$6,619,725       |
| Operating expenses    | 776,295             | 876,295          |                   | 876,295           |
| Capital assets        | <u>10,000</u>       | <u>10,000</u>    |                   | <u>10,000</u>     |
| Total all funds       | \$7,302,981         | \$7,512,884      | (\$6,864)         | \$7,506,020       |
| Less estimated income | <u>2,426,990</u>    | <u>2,419,889</u> | <u>(2,122)</u>    | <u>2,417,767</u>  |
| General fund          | \$4,875,991         | \$5,092,995      | (\$4,742)         | \$5,088,253       |
| FTE                   | 55.00               | 55.00            | 0.00              | 55.00             |

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

|                       | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE <sup>1</sup> | TOTAL SENATE<br>CHANGES |
|-----------------------|---|-------------------------|
| Salaries and wages    | (\$6,864)   | (\$6,864)               |
| Operating expenses    |   |                         |
| Capital assets        |   |                         |
| Total all funds       | (\$6,864)   | (\$6,864)               |
| Less estimated income | <u>(2,122)</u>  | <u>(2,122)</u>          |
| General fund          | (\$4,742)   | (\$4,742)               |
| FTE                   | 0.00  | 0.00                    |

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

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005**

Page 1, line 16, replace "46,396" with "45,647"

Page 1, line 19, replace "(\$286,371)" with "(\$287,120)"

Page 2, line 1, replace "640,226" with "639,477"

Page 2, line 4, replace "2,340,013" with "2,339,264"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - State Treasurer - Senate Action**

|                         | EXECUTIVE BUDGET | HOUSE VERSION    | SENATE CHANGES | SENATE VERSION   |
|-------------------------|------------------|------------------|----------------|------------------|
| Salaries and wages      | \$632,813        | \$640,226        | (\$749)        | \$639,477        |
| Operating expenses      | 154,787          | 154,787          |                | 154,787          |
| In lieu of tax payments | <u>1,545,000</u> | <u>1,545,000</u> |                | <u>1,545,000</u> |
| Total all funds         | \$2,332,600      | \$2,340,013      | (\$749)        | \$2,339,264      |
| Less estimated income   |                  |                  |                |                  |
| General fund            | \$2,332,600      | \$2,340,013      | (\$749)        | \$2,339,264      |
| FTE                     | 6.00             | 6.00             | 0.00           | 6.00             |

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

|                         | REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup> | TOTAL SENATE CHANGES |
|-------------------------|---|----------------------|
| Salaries and wages      | (\$749)   | (\$749)              |
| Operating expenses      |   |                      |
| In lieu of tax payments |   |                      |
| Total all funds         | (\$749)   | (\$749)              |
| Less estimated income   |   |                      |
| General fund            | (\$749)   | (\$749)              |
| FTE                     | 0.00  | 0.00                 |

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

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007**

Page 1, line 16, replace "183,404" with "182,031"

Page 1, line 18, replace "344,634" with "343,261"

Page 1, line 19, replace "267,432" with "267,054"

Page 1, line 20, replace "77,202" with "76,207"

Page 2, line 3, replace "1,127,936" with "1,126,563"

Page 2, line 5, replace "1,452,279" with "1,450,906"

Page 2, line 6, replace "497,130" with "496,752"

Page 2, line 7, replace "955,149" with "954,154"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1007 - Labor Commissioner - Senate Action**

|                       | EXECUTIVE BUDGET | HOUSE VERSION  | SENATE CHANGES | SENATE VERSION |
|-----------------------|------------------|----------------|----------------|----------------|
| Salaries and wages    | \$1,132,494      | \$1,127,936    | (\$1,373)      | \$1,126,563    |
| Operating expenses    | <u>324,343</u>   | <u>324,343</u> |                | <u>324,343</u> |
| Total all funds       | \$1,456,837      | \$1,452,279    | (\$1,373)      | \$1,450,906    |
| Less estimated income | <u>498,215</u>   | <u>497,130</u> | (378)          | <u>496,752</u> |
| General fund          | \$958,622        | \$955,149      | (\$995)        | \$954,154      |
| FTE                   | 11.00            | 11.00          | 0.00           | 11.00          |

**Dept. 406 - Labor Commissioner - Detail of Senate Changes**

REDUCES RECOMMENDED



|                       | FUNDING FOR<br>HEALTH<br>INSURANCE 1 | TOTAL<br>SENATE<br>CHANGES |
|-----------------------|--------------------------------------|----------------------------|
| Salaries and wages    | (\$1,373)                            | (\$1,373)                  |
| Operating expenses    |                                      |                            |
| Total all funds       | (\$1,373)                            | (\$1,373)                  |
| Less estimated income | (378)                                | (378)                      |
| General fund          | (\$995)                              | (\$995)                    |
| FTE                   | 0.00                                 | 0.00                       |

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

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 16, replace "171,758" with "170,635"

Page 1, line 17, replace "29,633" with "104,633"

Page 1, line 18, replace "201,391" with "275,268"

Page 1, line 20, replace "295,772" with "369,649"

Page 2, line 3, replace "1,097,281" with "1,096,158"

Page 2, line 4, replace "495,855" with "570,855"

Page 2, line 5, replace "1,593,136" with "1,667,013"

Page 2, line 7, replace "1,375,937" with "1,449,814"

Renumber accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1011 - Securities Department - Senate Action

|                       | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages    | \$1,101,907         | \$1,097,281      | (\$1,123)         | \$1,096,158       |
| Operating expenses    | <u>570,855</u>      | <u>495,855</u>   | <u>75,000</u>     | <u>570,855</u>    |
| Total all funds       | \$1,672,762         | \$1,593,136      | \$73,877          | \$1,667,013       |
| Less estimated income | <u>217,199</u>      | <u>217,199</u>   |                   | <u>217,199</u>    |
| General fund          | \$1,455,563         | \$1,375,937      | \$73,877          | \$1,449,814       |
| FTE                   | 9.00                | 9.00             | 0.00              | 9.00              |

#### Dept. 414 - Securities Department - Detail of Senate Changes

|                       | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE 1 | RESTORES<br>FUNDING FOR<br>OUTSIDE LEGAL<br>COUNSEL COSTS 2 | TOTAL SENATE<br>CHANGES |
|-----------------------|--|---|-------------------------|
| Salaries and wages    | (\$1,123)  |   | (\$1,123)               |
| Operating expenses    |  | <u>\$75,000</u>   | <u>75,000</u>           |
| Total all funds       | (\$1,123)  | \$75,000  | \$73,877                |
| Less estimated income |  |   |                         |
| General fund          | (\$1,123)  | \$75,000  | \$73,877                |
| FTE                   | 0.00   | 0.00  | 0.00                    |

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

<sup>2</sup> The Senate restored funding for the Securities Department to hire outside legal counsel specializing in securities law.

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

Page 1, line 14, replace "476,684" with "473,314"

Page 1, line 15, replace "451,328" with "448,810"

Page 1, line 16, replace "25,356" with "24,504"

Page 2, line 1, replace "3,702,939" with "3,699,569"

Page 2, line 2, replace "2,894,860" with "2,892,342"

Page 2, line 3, replace "808,079" with "807,227"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1014 - Protection and Advocacy Project - Senate Action**

|                                 | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|---------------------------------|---------------------|------------------|-------------------|-------------------|
| Protection and Advocacy Project | \$3,713,439         | \$3,702,939      | (\$3,370)         | \$3,699,569       |
| Total all funds                 | \$3,713,439         | \$3,702,939      | (\$3,370)         | \$3,699,569       |
| Less estimated income           | <u>2,902,975</u>    | <u>2,894,860</u> | <u>(2,518)</u>    | <u>2,892,342</u>  |
| General fund                    | \$810,464           | \$808,079        | (\$852)           | \$807,227         |
| FTE                             | 25.50               | 25.50            | 0.00              | 25.50             |

**Dept. 360 - Protection and Advocacy Project - Detail of Senate Changes**

|                                 | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE <sup>1</sup> | TOTAL SENATE<br>CHANGES |
|---------------------------------|---|-------------------------|
| Protection and Advocacy Project | <u>(\$3,370)</u>  | <u>(\$3,370)</u>        |
| Total all funds                 | (\$3,370)   | (\$3,370)               |
| Less estimated income           | <u>(2,518)</u>  | <u>(2,518)</u>          |
| General fund                    | (\$852)   | (\$852)                 |
| FTE                             | 0.00  | 0.00                    |

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

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1019**

Page 1, line 22, replace "518,505" with "511,640"

Page 2, line 2, replace "8,923" with "8,674"

Page 2, line 4, replace "(\$1,001,095)" with "(\$1,008,209)"

Page 2, line 5, replace "(1,767,955)" with "(1,668,704)"

Page 2, line 6, replace "766,860" with "660,495"

Page 2, line 12, replace "5,596,695" with "5,589,830"

Page 2, line 18, replace "932,669" with "932,420"

Page 2, line 19, replace "10,649,881" with "10,642,767"

Page 2, line 20, replace "2,623,087" with "2,722,338"

Page 2, line 21, replace "8,026,794" with "7,920,429"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1019 - State Historical Society - Senate Action**

|  | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|--|---------------------|------------------|-------------------|-------------------|
|--|---------------------|------------------|-------------------|-------------------|

|  |                  |                  |               |                  |
|--|------------------|------------------|---------------|------------------|
| Salaries and wages                         | \$5,617,445      | \$5,596,695      | (\$6,865)     | \$5,589,830      |
| Operating expenses                         | 1,493,706        | 1,508,706        |               | 1,508,706        |
| Capital assets                             | 582,319          | 982,319          |               | 982,319          |
| Grants                                     | 1,300,000        | 1,300,000        |               | 1,300,000        |
| Cultural heritage grants                   | 75,000           | 325,000          |               | 325,000          |
| Yellowstone-Missouri-Fort Union Commission | 4,492            | 4,492            |               | 4,492            |
| Lewis and Clark Bicentennial               | <u>933,217</u>   | <u>932,669</u>   | <u>(249)</u>  | <u>932,420</u>   |
| Total all funds                            | \$10,006,179     | \$10,649,881     | (\$7,114)     | \$10,642,767     |
| Less estimated income                      | <u>2,425,455</u> | <u>2,623,087</u> | <u>99,251</u> | <u>2,722,338</u> |
| General fund                               | \$7,580,724      | \$8,026,794      | (\$106,365)   | \$7,920,429      |
| FTE  | 57.00            | 57.00            | 0.00          | 57.00            |

#### Dept. 701 - State Historical Society - Detail of Senate Changes

|  | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE <sup>1</sup> | CHANGES<br>FUNDING<br>SOURCE FOR<br>FORT<br>ABERCROMBIE<br>INTERPRETIVE<br>CENTER PROJECT <sup>2</sup> | TOTAL<br>SENATE<br>CHANGES |
|--|---|--|----------------------------|
| Salaries and wages                         | (\$6,865)   |  | (\$6,865)                  |
| Operating expenses                         |   |  |                            |
| Capital assets                             |   |  |                            |
| Grants                                     |   |  |                            |
| Cultural heritage grants                   |   |  |                            |
| Yellowstone-Missouri-Fort Union Commission |   |  |                            |
| Lewis and Clark Bicentennial               | <u>(249)</u>  |  | <u>(249)</u>               |
| Total all funds                            | (\$7,114)   | \$0  | (\$7,114)                  |
| Less estimated income                      | <u>(749)</u>  | <u>100,000</u>   | <u>99,251</u>              |
| General fund                               | (\$6,365)   | (\$100,000)  | (\$106,365)                |
| FTE  | 0.00  | 0.00   | 0.00                       |

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

<sup>2</sup> This amendment replaces \$100,000 of general fund funding for the Fort Abercrombie Interpretive Center project with \$100,000 of special funds spending authority, for a total of \$400,000 for the project consisting of \$100,000 from the general fund and \$300,000 of other funds spending authority.

#### SENATE AMENDMENTS TO HOUSE BILL NO. 1337

Page 1, line 10, replace "that" with "enacted during the most recent session of the legislative assembly which" and remove "or otherwise affected"

Page 1, line 15, replace "that" with "enacted during the most recent session of the legislative assembly which"

Page 1, line 16, remove "or otherwise affected"

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1408

Page 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation to the department of corrections and rehabilitation for a pilot project for an alternative care program for adults with substance abuse issues; and to provide for a report to the legislative assembly.

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

**SECTION 1. APPROPRIATION - PILOT PROJECT - REPORT TO SIXTIETH LEGISLATIVE ASSEMBLY.** 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 department of corrections and rehabilitation for the purpose of reimbursing a nonprofit, faith-based organization in North Dakota for room and board costs associated with an extended residential care program in northwestern North Dakota for indigent adults with alcohol or other substance abuse issues as a pilot project, for the biennium beginning July 1, 2005, and ending June 30, 2007. The recipient, selected by a competitive bid process, shall use the funding for room and board costs relating to the pilot project. The department shall establish criteria that meets standards and best practices of the American corrections association for the population to be served and for the residential care services to be provided. The

department shall provide a report to the sixtieth legislative assembly on the pilot project. The report must include information on the results and outcomes of the pilot project, the department's recommendations regarding continuing or expanding funding for the program, and its recommendations regarding the development of a payment system for room and board costs for these residential care services providers."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1421**

Page 1, line 1, after "reenact" insert "sections 28-32-10 and 28-32-12," and after "28-32-15" insert ", and sections 28-32-18 and 28-32-19"

Page 1, line 2, after "date" insert ", rulemaking notice, period for comments, review, and publication"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 28-32-10 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-10. Notice of rulemaking - Hearing date.**

1. An agency shall prepare a full notice and an abbreviated notice of rulemaking.
  - a. The agency's full notice of the proposed adoption, amendment, or repeal of a rule must include a short, specific explanation of the proposed rule and the purpose of the proposed rule, a determination of whether the proposed rulemaking is expected to have an impact on the regulated community in excess of fifty thousand dollars, identify at least one location where interested persons may review the text of the proposed rule, provide the address to which written comments concerning the proposed rule may be sent, provide the deadline for submission of written comments, provide a telephone number at which a copy of the rules and regulatory analysis may be requested, and, in the case of a substantive rule, provide the time and place set for each oral hearing. The agency's full notice must be filed with the office of the legislative council, and the agency shall request publication of an abbreviated newspaper publication notice at least once in each official county newspaper published in this state. The notice filed with the office of the legislative council must be accompanied by a copy of the proposed rules.
  - b. The abbreviated newspaper publication of notice must be in a display-type format with a minimum width of one column of approximately two inches [5.08 centimeters] and a depth of from three inches [7.62 centimeters] to four inches [10.16 centimeters] with a headline describing the general topic of the proposed rules. The notice must also include the telephone number or address to use to obtain a copy of the proposed rules, the address to use and the deadline to submit written comments, and the location, date, and time of the public hearing on the rules.
2. The agency shall mail a copy of the agency's full notice to each person who has made a timely request to the agency for a mailed copy of the notice. The agency may mail or otherwise provide a copy of the agency's full notice to any person who is likely to be an interested person. The agency shall mail or deliver a copy of the rules to any person requesting a copy. The agency may charge for the actual cost of providing copies of the proposed rule.
3. In addition to the other notice requirements of this subsection, the superintendent of public instruction shall provide notice of any proposed rulemaking by the superintendent of public instruction to each association with statewide membership whose primary focus is elementary and secondary education issues which has requested to receive notice from the superintendent under this subsection and to the superintendent of each public school district in this state, or the president of the school board for school districts that have no superintendent, at least ~~thirty~~ twenty days before the date of the hearing described in the notice. Notice provided by

the superintendent of public instruction under this section must be by first-class mail. However, upon request of a group or person entitled to notice under this section, the superintendent of public instruction shall provide the group or person notice by electronic mail.

4. The legislative council shall establish standard procedures for all agencies to follow in complying with the provisions of this section and a procedure to allow any person to request and receive mailed copies of all filings made by agencies pursuant to this section. The legislative council may charge an annual fee as established by the administrative rules committee for providing copies of the filings.
5. At least ~~thirty~~ twenty days must elapse between the ~~later of the date of the publication of the notice or the date the legislative council mails copies of an agency's notice~~ and the date of the hearing. ~~The thirty-day period begins on the first business day of the month in which the notices must be mailed or on the date of the publication, whichever is later. Subject to subsection 4, notices filed on or before the last calendar day of the preceding month. Within fifteen business days after receipt of a notice under this section, a copy of the notice must be mailed by the legislative council on the first business day of the following month to any person making a request who has paid the annual fee established under subsection 4.~~

**SECTION 2. AMENDMENT.** Section 28-32-12 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-12. Comment period.** The agency shall allow, after the conclusion of any rulemaking hearing, a comment period of at least ~~thirty~~ ten days during which data, views, or arguments concerning the proposed rulemaking will be received by the agency and made a part of the rulemaking record to be considered by the agency."

Page 1, replace lines 7 through 17 with:

- "2. a. Nonemergency rules approved by the attorney general as to legality, adopted by an administrative agency, and filed with the office of the legislative council and not voided or held for consideration by the administrative rules committee become effective the first day of the month after the month of publication as provided for in section 28-32-19, except that if a later date is required by statute, specified in the rule, or provided under section 28-32-18, the later date is the effective date. A rule found to be void by the administrative rules committee is void from the time provided under section 28-32-18 according to the following schedule:
  - (1) Rules filed with the legislative council from August sixteenth through November fifteenth become effective on the immediately succeeding January first.
  - (2) Rules filed with the legislative council from November sixteenth through February fifteenth become effective on the immediately succeeding April first.
  - (3) Rules filed with the legislative council from February sixteenth through May fifteenth become effective on the immediately succeeding July first.
  - (4) Rules filed with the legislative council from May sixteenth through August fifteenth become effective on the immediately succeeding October first.
- b. If publication is delayed ~~due to technological problems or lack of funds for any reason other than action of the administrative rules committee,~~ nonemergency rules, unless otherwise provided, become effective ~~on the first day of the month after the month when~~ publication would have occurred but for the delay.
- c. A rule held for consideration by the administrative rules committee becomes effective on the first effective date of rules under the

schedule in subdivision a following the meeting at which that rule is reconsidered by the committee."

Page 1, after line 17, insert:

**"SECTION 4. AMENDMENT.** Section 28-32-18 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-18. Administrative rules committee may void rule - Grounds - Amendment by agreement of agency and committee.**

1. The legislative council's administrative rules committee may find that all or any portion of a rule is void if that rule is initially considered by the committee ~~within ninety days after~~not later than the fifteenth day of the month before the date of the administrative code supplement in which the rule change appears, or, for rule changes appearing in the administrative code supplement from November first immediately preceding a regular session of the legislative assembly through the following May first, if that rule is initially considered by the committee at the first meeting of the administrative rules committee following the regular session of the legislative assembly is scheduled to appear. The administrative rules committee may find a rule or portion of a rule void if the committee makes the specific finding that, with regard to that rule or portion of a rule, there is:
  - a. An absence of statutory authority.
  - b. An emergency relating to public health, safety, or welfare.
  - c. A failure to comply with express legislative intent or to substantially meet the procedural requirements of this chapter for adoption of the rule.
  - d. A conflict with state law.
  - e. Arbitrariness and capriciousness.
  - f. A failure to make a written record of its consideration of written and oral submissions respecting the rule under section 28-32-11.
2. The administrative rules committee may find a rule void at the meeting at which the rule is initially considered by the committee or may hold consideration of that rule for one subsequent meeting. Within three business days after the administrative rules committee finds that a rule is void, the office of the legislative council shall provide written notice of that finding and the committee's specific finding under subdivisions a through f of subsection 1 to the adopting agency and to the chairman of the legislative council. Within fourteen days after receipt of the notice, the adopting agency may file a petition with the chairman of the legislative council for review by the legislative council of the decision of the administrative rules committee. If the adopting agency does not file a petition for review, the rule becomes void on the fifteenth day after the notice from the office of the legislative council to the adopting agency. If within sixty days after receipt of the petition from the adopting agency the legislative council has not disapproved by motion the finding of the administrative rules committee, the rule is void.
3. An agency may amend or repeal a rule or create a related rule if, after consideration of rules by the administrative rules committee, the agency and committee agree that the rule amendment, repeal, or creation is necessary to address any of the considerations under subsection 1. A rule amended, repealed, or created under this subsection is not subject to the other requirements of this chapter relating to adoption of administrative rules and may be ~~submitted~~published by the agency ~~to the legislative council for publication~~ as amended, repealed, or created ~~and~~. If requested by the agency or any interested party, a rule amended, repealed, or created under this subsection must be reconsidered by the administrative rules committee at a subsequent meeting at which public comment on the agreed rule change must be allowed.

**SECTION 5. AMENDMENT.** Section 28-32-19 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-19. Publication of administrative code and code supplement.**

1. The office of the legislative council shall compile, index, and publish all rules filed pursuant to this chapter in a publication which must be known as the North Dakota Administrative Code, in this chapter referred to as the code. The code must also contain all objections filed with the office of the legislative council by the administrative rules committee pursuant to section 28-32-17. The code must be printed or otherwise duplicated in looseleaf form. The office of the legislative council shall revise all or part of the code as often as the legislative council deems necessary.
2. The office of the legislative council may prescribe a format, style, and arrangement for rules which are to be published in the code, and may refuse to accept the filing of any rule that is not in substantial compliance therewith. In arranging rules for publication, the office of the legislative council may make such corrections in spelling, grammatical construction, format, and punctuation of the rules as deemed proper. The office of the legislative council shall keep and maintain a permanent code of all rules filed, including superseded and repealed rules, which must be open to public inspection during office hours.
3. The office of the legislative council shall compile and publish the North Dakota Administrative Code supplement, ~~in this chapter referred to as the code supplement, the month after the month that rules are submitted to the office of the legislative council for publication unless technological problems or lack of funds prevent the publication at that time. Any delayed supplements must be published as soon as the technological problems are resolved or the necessary funds are available according to the schedule of effective dates of rules in section 28-32-15.~~
  - a. ~~The code supplement must contain all rules that have been filed with the office of the legislative council or which have become effective since the compilation and publication of the preceding issue of the code supplement. The office of the legislative council may establish a due date by which rules must be submitted by an agency for publication during any month.~~
  - b. The code supplement must contain all objections filed with the office of the legislative council by the administrative rules committee pursuant to section 28-32-17.
  - c. The code supplement must be printed or duplicated in the same style as the code so as to permit changes to be inserted as pages in the code in lieu of the pages containing superseded material and to permit additions to the code.
4. The office of the legislative council, with the consent of the adopting agency, may omit from the code or code supplement any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or duplicated form is made available on application to the agency, and if the code or code supplement contains a notice stating the general subject matter of the omitted rule and stating how a copy may be obtained.
5. The code must be arranged, indexed, and printed or duplicated in a manner to permit separate publication of portions thereof relating to individual agencies. An agency may print as many copies of such separate portions of the code as it may require. If the office of the legislative council does not publish the code supplement due to technological problems or lack of funds, the agency whose rules would have been published in the code supplement shall provide a copy of the rules to any person upon request. The agency may charge for the actual cost of providing copies of the rules."

Page 1, line 18, after "rules" insert "for which notice of hearing is" and remove the second "for"

Page 1, line 19, remove "publication"

Renumber accordingly

**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 1311.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1311**

In lieu of the amendments adopted by the Senate as printed on page 773 of the Senate Journal, House Bill No. 1311 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 37 of chapter 667 of the 2003 Session Laws, relating to contingent payments; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 37 of chapter 667 of the 2003 Session Laws is amended and reenacted as follows:

**SECTION 37. CONTINGENT PAYMENTS - DISTRIBUTION.** If any moneys appropriated for per student payments and transportation payments in the grants - state school aid line item in Senate Bill No. 2013 remain after payment of all statutory obligations for per student and transportation payments during the biennium beginning July 1, 2003, and ending June 30, 2005, the superintendent of public instruction shall distribute the remaining moneys as follows:

1. The superintendent of public instruction shall use the first \$119,190, or so much of that amount as is necessary, for the purpose of reimbursing eligible school districts that received reduced amounts of state aid. For the purposes of this subsection, an eligible school district is one that received a reduction in state aid during the second year of the 2003-05 biennium because the district's general fund levy fell below one hundred forty mills as the result of a reorganization or the dissolution of a contiguous district. The following affected districts listed are entitled to receive reimbursements:

|                        |                 |
|------------------------|-----------------|
| <u>Velva 1</u>         | <u>\$24,355</u> |
| <u>TGU 60</u>          | <u>93,514</u>   |
| <u>Lewis and Clark</u> | <u>1,321</u>    |

2. The superintendent of public instruction shall use the ~~first~~ next \$250,000, or so much of that amount as is necessary, for the purpose of providing reimbursements to the chief administrators of joint powers agreements pursuant to section 19 of this Act.
- ~~2.~~ 3. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as is necessary, for the purpose of providing reorganization bonuses, pursuant to section 15.1-12-11.1, to school districts having reorganizations effective after July 1, 2003, and before July 1, 2005. If insufficient moneys exist to fully meet the requirements of this subsection, the superintendent of public instruction shall prorate the payments according to that percentage of the amount available to which a school district is entitled.
- ~~3.~~ 4. The superintendent of public instruction shall use the remainder of the moneys to provide additional per student payments on a prorated basis, according to the average daily membership of each school district during the 2004-05 school year.

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

Renumber accordingly



**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1022, HB 1023, HB 1235, HCR 3056.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1022**

Page 1, line 12, replace "938,642" with "911,935"

Page 1, line 17, replace "33,336,273" with "33,309,566"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1022 - Workforce Safety and Insurance - Senate Action**

|                                | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION    | SENATE<br>CHANGES | SENATE<br>VERSION   |
|--------------------------------|---------------------|---------------------|-------------------|---------------------|
| Workforce Safety and Insurance | <u>\$33,440,814</u> | <u>\$33,336,273</u> | <u>(\$26,707)</u> | <u>\$33,309,566</u> |
| Total all funds                | \$33,440,814        | \$33,336,273        | (\$26,707)        | \$33,309,566        |
| Less estimated income          | <u>33,440,814</u>   | <u>33,336,273</u>   | <u>(26,707)</u>   | <u>33,309,566</u>   |
| General fund                   | \$0                 | \$0                 | \$0               | \$0                 |
| FTE                            | 223.14              | 223.14              | 0.00              | 223.14              |

**Dept. 485 - Workforce Safety and Insurance - Detail of Senate Changes**

|                                | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE <sup>1</sup> | TOTAL<br>SENATE<br>CHANGES |
|--------------------------------|---|----------------------------|
| Workforce Safety and Insurance | <u>(\$26,707)</u>   | <u>(\$26,707)</u>          |
| Total all funds                | (\$26,707)  | (\$26,707)                 |
| Less estimated income          | <u>(26,707)</u>   | <u>(26,707)</u>            |
| General fund                   | \$0   | \$0                        |
| FTE                            | 0.00  | 0.00                       |

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

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1023**

Page 1, line 2, replace "section" with "sections" and after "54-44.1-11" insert "and 54-44.3-12.1"

Page 1, line 3, after "appropriations" insert "and revisions to compensation plans under the central personnel system"

Page 2, line 5, replace "187,647" with "185,525"

Page 2, line 8, replace "(\$1,884,189)" with "(\$1,886,311)"

Page 2, line 11, replace "212,122" with "208,378"

Page 2, line 13, replace "289,329" with "285,585"

Page 2, line 14, replace "(\$1,594,860)" with "(\$1,600,726)"

Page 2, line 22, replace "1,962,532" with "1,960,410"

Page 2, line 25, replace "2,959,140" with "2,957,018"

Page 2, line 28, replace "2,865,776" with "2,862,032"

Page 3, line 1, replace "4,680,487" with "4,676,743"

Page 3, line 2, replace "7,639,627" with "7,633,761"

Page 4, after line 22, insert:

"SECTION 7. AMENDMENT. Section 54-44.3-12.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.3-12.1. Revisions to compensation plan.** Revisions to the compensation plan may only be made on July first, following the close of a regular legislative session, except that new classifications may be added to the compensation plan during a biennium when deemed necessary by the director. Revisions to the compensation plan ~~do not become effective~~ for county employees covered by the plan until become effective on January first of the first full calendar year following the revision or on July first following the close of a regular legislative session, based on official action by the board of county commissioners. Revisions to the compensation plan may only be made to the extent the legislative assembly appropriates funds to implement such plans."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1023 - Summary of Senate Action

|                                    | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|------------------------------------|---------------------|------------------|-------------------|-------------------|
| Retirement and Investment Office   |                     |                  |                   |                   |
| Total all funds                    | \$2,966,923         | \$2,959,140      | (\$2,122)         | \$2,957,018       |
| Less estimated income              | <u>2,966,923</u>    | <u>2,959,140</u> | <u>(2,122)</u>    | <u>2,957,018</u>  |
| General fund                       | \$0                 | \$0              | \$0               | \$0               |
| Public Employees Retirement System |                     |                  |                   |                   |
| Total all funds                    | \$4,692,005         | \$4,680,487      | (\$3,744)         | \$4,676,743       |
| Less estimated income              | <u>4,692,005</u>    | <u>4,680,487</u> | <u>(3,744)</u>    | <u>4,676,743</u>  |
| General fund                       | \$0                 | \$0              | \$0               | \$0               |
| Bill Total                         |                     |                  |                   |                   |
| Total all funds                    | \$7,658,928         | \$7,639,627      | (\$5,866)         | \$7,633,761       |
| Less estimated income              | <u>7,658,928</u>    | <u>7,639,627</u> | <u>(5,866)</u>    | <u>7,633,761</u>  |
| General fund                       | \$0                 | \$0              | \$0               | \$0               |

##### House Bill No. 1023 - Retirement and Investment Office - Senate Action

|                       | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|-----------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages    | \$1,970,315         | \$1,962,532      | (\$2,122)         | \$1,960,410       |
| Operating expenses    | 914,608             | 914,608          |                   | 914,608           |
| Contingencies         | <u>82,000</u>       | <u>82,000</u>    |                   | <u>82,000</u>     |
| Total all funds       | \$2,966,923         | \$2,959,140      | (\$2,122)         | \$2,957,018       |
| Less estimated income | <u>2,966,923</u>    | <u>2,959,140</u> | <u>(2,122)</u>    | <u>2,957,018</u>  |
| General fund          | \$0                 | \$0              | \$0               | \$0               |
| FTE                   | 17.00               | 17.00            | 0.00              | 17.00             |

##### Dept. 190 - Retirement and Investment Office - Detail of Senate Changes

|                       | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE <sup>1</sup> | TOTAL<br>SENATE<br>CHANGES |
|-----------------------|---|----------------------------|
| Salaries and wages    | (\$2,122)   | (\$2,122)                  |
| Operating expenses    |   |                            |
| Contingencies         |   |                            |
| Total all funds       | (\$2,122)   | (\$2,122)                  |
| Less estimated income | <u>(2,122)</u>  | <u>(2,122)</u>             |
| General fund          | \$0   | \$0                        |
| FTE                   | 0.00  | 0.00                       |

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

##### House Bill No. 1023 - Public Employees Retirement System - Senate Action

|                    | EXECUTIVE<br>BUDGET | HOUSE<br>VERSION | SENATE<br>CHANGES | SENATE<br>VERSION |
|--------------------|---------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$2,877,294         | \$2,865,776      | (\$3,744)         | \$2,862,032       |
| Operating expenses | 1,564,711           | 1,564,711        |                   | 1,564,711         |
| Contingencies      | <u>250,000</u>      | <u>250,000</u>   |                   | <u>250,000</u>    |
| Total all funds    | \$4,692,005         | \$4,680,487      | (\$3,744)         | \$4,676,743       |

|                       |                  |                  |                |                  |
|-----------------------|------------------|------------------|----------------|------------------|
| Less estimated income | <u>4,692,005</u> | <u>4,680,487</u> | <u>(3,744)</u> | <u>4,676,743</u> |
| General fund          | \$0              | \$0              | \$0            | \$0              |
| FTE                   | 29.00            | 29.00            | 0.00           | 29.00            |

**Dept. 192 - Public Employees Retirement System - Detail of Senate Changes**

|                       | REDUCES<br>RECOMMENDED<br>FUNDING FOR<br>HEALTH<br>INSURANCE <sup>1</sup> | TOTAL<br>SENATE<br>CHANGES |
|-----------------------|---|----------------------------|
| Salaries and wages    | (\$3,744)   | (\$3,744)                  |
| Operating expenses    |   |                            |
| Contingencies         |   |                            |
| Total all funds       | (\$3,744)   | (\$3,744)                  |
| Less estimated income | <u>(3,744)</u>  | <u>(3,744)</u>             |
| General fund          | \$0   | \$0                        |
| FTE                   | 0.00  | 0.00                       |

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

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1235**

In lieu of the amendments adopted by the Senate as printed on page 701 of the Senate Journal, Engrossed House Bill No. 1235 is amended as follows:

Page 1, line 20, replace the first "any" with "an"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3056**

Page 1, after line 9, insert:

"**WHEREAS**, 114,047 North Dakotans are receiving Social Security benefits;  
and

**WHEREAS**, 81,968 North Dakotans are receiving Social Security retirement benefits; and

**WHEREAS**, 12,652 North Dakotans are receiving Social Security disability benefits; and

**WHEREAS**, 19,427 North Dakotans are receiving Social Security survivor's benefits; and

**WHEREAS**, 4,740 North Dakota children under age 18 are receiving Social Security benefits; and"

Page 2, line 3, replace "its" with "the", replace the second comma with "of", and replace "needs to be" with ", the President and Congress can and should make some adjustments to improve its operation while preserving its essential character as the foundation of America's retirement system"

Page 2, line 4, remove "fixed permanently"

Page 2, line 15, remove "and"

Page 2, remove lines 16 and 17

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1065, HB 1169, HCR 3023, HCR 3027, HCR 3029.

**MOTION**

**REP. MONSON MOVED** that the absent members 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., Wednesday, March 30, 2005, which motion prevailed.

**FIRST READING OF SENATE BILL**

**SB 2412:** A BILL for an Act to create and enact a new section to chapter 49-03 of the North Dakota Century Code, relating to electric service area agreements; to amend and reenact sections 49-02-01.1 and 49-03-01.5 of the North Dakota Century Code, relating to the jurisdiction of the public service commission and definitions; and to declare an emergency.

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

**REPORT OF STANDING COMMITTEE**

**SB 2341, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2341 was placed on the Sixth order on the calendar.

Page 3, line 3, after "general" insert ", the legislative council for distribution during the November 2006 legislative council meeting,", after the second "and" insert "the sixtieth", and remove "by June 30,"

Page 3, line 4, remove "2007,"

Page 5, line 2, replace "\$714,787" with "\$515,855"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment requires the Department of Corrections and Rehabilitation to provide a report to the Legislative Council and changes the general fund appropriation to the Department of Corrections and Rehabilitation from \$714,787 to \$515,855.

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

**Bradley C. Fay, Chief Clerk**