

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

* * * * *

Bismarck, April 4, 2003

The House convened at 8:00 p.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Spencer Baker, Open Door Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Bellew, Froelich, Haas, Kasper, Price, and Tieman.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to SB 2001, SB 2002, SB 2003, SB 2004, SB 2005, SB 2006, SB 2007, SB 2008, SB 2009, SB 2010, SB 2011, SB 2014, SB 2016, SB 2017, SB 2018, SB 2020, SB 2021, SB 2022, SB 2023, SB 2024 and SB 2119 be adopted, which motion prevailed.

SB 2001, SB 2002, SB 2003, SB 2004, SB 2005, SB 2006, SB 2007, SB 2008, SB 2009, SB 2010, SB 2011, SB 2014, SB 2016, SB 2017, SB 2018, SB 2020, SB 2021, SB 2022, SB 2023, SB 2024 and SB 2119, as amended, were placed on the Fourteenth order of business on the calendar.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the Senate amendments to HB 1086 as printed on HJ page 1171 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1086: Reps. Haas, D. Johnson, Mueller.

MOTION

REP. BERG MOVED that HB 1430 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do not concur in the Senate amendments to HB 1123 as printed on HJ page 1109 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1123: Reps. Pollert, Devlin, Potter.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do not concur in the Senate amendments to HB 1179 as printed on HJ page 1142 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1179: Reps. Severson, Kasper, Ekstrom.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do not concur in the Senate amendments to HB 1264 as printed on HJ page 1189 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1264: Reps. Kasper, Froseth, Boe.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do not concur in the Senate amendments to HB 1461 as printed on HJ page 1146 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1461: Reps. Galvin, Grande, Delmore.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the Senate amendments to HB 1295 as printed on HJ pages 1224-1226 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1295: Reps. Hawken, Nelson, Mueller.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2029: Reps. Price, Devlin, Amerman.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2086: Reps. Price, Kreidt, Potter.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2135: Reps. D. Johnson, Herbel, Hunskor.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2160: Reps. Pollert, Porter, Sandvig.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2188: Reps. Price, Pietsch, Sandvig.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2235: Reps. Kasper, M. Klein, Ekstrom.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2308: Reps. Boe, Nottestad, Dosch.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2345: Reps. Porter, Wieland, Potter.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2358: Reps. Weisz, Hawken, Delmore.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2363: Reps. DeKrey, Porter, Hanson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2418: Reps. Nelson, Herbel, Williams.

SECOND READING OF SENATE BILL

SB 2119: A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-00.1 of the North Dakota Century Code, relating to eligible institutions under the student financial assistance program.

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 12 YEAS, 76 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Carlson; Clark; Delmore; Dosch; Grande; Hawken; Johnson, N.; Klein, F.; Maragos; Meier; Nottestad; Sandvig

NAYS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; DeKrey; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gulleon; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Tieman

SB 2119, as amended, lost.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 61 YEAS, 27 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Hanson; Headland; Herbel; Iverson; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

NAYS: Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Glassheim; Gulleon; Hawken; Hunskor; Johnson, N.; Kelsh, S.; Kerzman; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Tieman

Engrossed SB 2001, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide an exemption; 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 86 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan;

Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

NAYS: DeKrey; Winrich

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Tieman

Engrossed SB 2002, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to peace officer license fees; to amend and reenact subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to administration of gaming stamps; to provide a contingent appropriation; to provide an exemption; to provide for racing commission expenses; 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 80 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

NAYS: Boe; Boucher; Schmidt; Solberg; Thorpe; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Tieman

Engrossed SB 2003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. BERG MOVED that SB 2020 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; to provide an exemption; to provide for a transfer of funds; 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 82 YEAS, 5 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: DeKrey; Dosch; Ruby; Weiler; Weisz

ABSENT AND NOT VOTING: Bellew; Berg; Froelich; Haas; Kasper; Price; Tieman

Engrossed SB 2020, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 61 YEAS, 26 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham

NAYS: Aarsvold; Amerman; Boe; Boucher; Delmore; Ekstrom; Glassheim; Gulleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2004, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer.

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 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Delzer; Froelich; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2005, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; and to provide for an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code.

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 66 YEAS, 21 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Gulleston; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Speaker Wentz

NAYS: Aarsvold; Boe; Boucher; Ekstrom; Glassheim; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich; Zaiser

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2006, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2007, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to provide for repayment of funding; to provide for a legislative council study; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2008, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to provide for the continuation of an agricultural pesticide and pesticide container disposal program; to amend and reenact subsection 1 of section 19-13.1-03 and section 19-14-04 of the North Dakota Century Code, relating to pet food and livestock medicine registration fees; to provide for a transfer of funds; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 60 YEAS, 27 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

NAYS: Aarsvold; Amerman; Boucher; Clark; Delmore; Eckre; Ekstrom; Glassheim; Gulleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2009, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Boe; Froelich; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2010, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Delzer; Froelich; Gulleeson; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2011, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 3 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Glassheim; Grande; Grosz; Gulleeson; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: DeKrey; Galvin; Ruby

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Monson; Price; Rennerfeldt; Tieman

Engrossed SB 2014, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem;

Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich;
Wrangham; Speaker Wentz

NAYS: Zaiser

ABSENT AND NOT VOTING: Bellew; Clark; Froelich; Haas; Hunskor; Kasper; Price;
Rennerfeldt; Tieman

Engrossed SB 2016, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; and to provide an exemption to section 54-44.1-11 relating to unexpended appropriations.

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, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Price; Rennerfeldt; Tieman

Engrossed SB 2017, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

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 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Monson; Price; Rennerfeldt; Tieman

Engrossed SB 2018, as amended, passed and the title was agreed to.

MOTION

REP. PORTER MOVED that the House reconsider its action whereby the amendments to SB 2253 were adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2253: A BILL for an Act to amend and reenact subsection 4 of section 43-17-07.1 of the North Dakota Century Code, relating to the powers of the board of medical examiners.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Froelich; Haas; Kasper; Norland; Price; Rennerfeldt; Tieman

SB 2253 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2420: A BILL for an Act to amend and reenact sections 37-01-01, 37-02-01, 37-02-02, and 37-08-01 of the North Dakota Century Code, relating to the militia.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Haas; Kasper; Kelsch, R.; Price

Engrossed SB 2420, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to amend and reenact subsection 6 of section 53-06.2-05 and section 53-06.2-08 of the North Dakota Century Code, relating to the use of racing commission fee collections.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 84 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Carlisle; DeKrey; Kretschmar; Maragos; Weiler

NAYS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber;

Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Haas; Kasper; Kelsch, R.; Price

SB 2028 lost.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to park permit fees; to repeal section 55-08-14 of the North Dakota Century Code, relating to capital projects and revenue bonds authorization; 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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Haas; Kasper; Kelsch, R.; Price

Engrossed SB 2021, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide a line of credit and an appropriation for repayment; to authorize the state water commission to issue and sell evidences of indebtedness for the construction of water-related projects; to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to construction of the Devils Lake outlet; to amend and reenact sections 54-27-25 and 61-02.1-02.1 of the North Dakota Century Code, relating to allocation of the tobacco settlement trust fund and funding statewide water development projects; to transfer funds from the water development trust fund to the general fund; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Monson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Carlson; DeKrey; Delzer; Hanson; Metcalf; Mueller; Nelson; Porter; Severson; Thorpe; Warner; Weisz

ABSENT AND NOT VOTING: Bellew; Haas; Kasper; Kelsch, R.; Price

Engrossed SB 2022, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau.

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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Haas; Kasper; Kelsch, R.; Price

Engrossed SB 2023, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Bellew; Haas; Kasper; Kelsch, R.; Price; Timm

Engrossed SB 2024, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DROVDAL MOVED that the conference committee report on Engrossed SB 2099 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2099, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2099: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the authority of the tax commissioner to provide for the rounding of dollar amounts on income tax returns, statements, forms, or other documents and an

individual income tax deduction for the new and expanding business exemption; to repeal subdivision b of subsection 2 of section 57-35.3-02, subdivision i of subsection 1 of section 57-38-01.2, and subdivision g of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to the tax deduction for dividends; to provide an effective date; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Ruby

ABSENT AND NOT VOTING: Bellew; Haas; Kasper; Kelsch, R.; Price

SB 2099 passed and the title was agreed to.

MOTION

REP. BERG MOVED that the deadline for bills to be reported out of committee to April 8, 2003 for second reading and final passage, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4040: A concurrent resolution supporting and honoring the personnel of the Armed Forces of the United States as they enter harm's way around the world and the families of these men and women for their support and sacrifice.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

MR. PRESIDENT: The House accedes to the Senate request for the return of: HCR 3005.

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 1086, HB 1123, HB 1179, HB 1264, HB 1295, and HB 1461 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1086: Reps. Haas; D. Johnson; Mueller
HB 1123: Reps. Pollert; Devlin; Potter
HB 1179: Reps. Severson; Kasper; Ekstrom
HB 1264: Reps. Kasper; Froseth; Boe
HB 1295: Reps. Hawken; Nelson; Mueller
HB 1461: Reps. Galvin; Grande; Delmore

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

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

SB 2029: Reps. Price; Devlin; Amerman
SB 2086: Reps. Price; Kreidt; Potter
SB 2135: Reps. D. Johnson; Herbel; Hunskor
SB 2160: Reps. Pollert; Porter; Sandvig
SB 2188: Reps. Price; Pietsch; Sandvig
SB 2235: Reps. Kasper; M. Klein; Ekstrom
SB 2308: Reps. Boe; Nottestad; Dosch
SB 2345: Reps. Porter; Wieland; Potter

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

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

SB 2358: Reps. Weisz; Hawken; Delmore

SB 2363: Reps. DeKrey; Porter; Hanson

SB 2418: Reps. Nelson; Herbel; Williams

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2001, SB 2002, SB 2003, SB 2004, SB 2005, SB 2006, SB 2007, SB 2009, SB 2010, SB 2011, SB 2014, SB 2016, SB 2017, SB 2018.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2008, SB 2020.

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

MR. PRESIDENT: The House has passed unchanged: SB 2253.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2119.

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

MR. PRESIDENT: The House has passed unchanged: SB 2420.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2022, SB 2023, SB 2024.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2021.

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

MR. PRESIDENT: The House has failed to pass unchanged: SB 2028.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2099.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1058, HB 1138, HB 1204, HB 1207, HB 1221, HB 1231, HB 1256, HB 1275, HB 1278, HB 1320, HB 1321, HB 1351, HB 1388, HB 1394, HB 1415, HB 1416, HB 1426.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 4, 2003: HB 1066, HB 1087, HB 1271, HB 1325, HB 1358, HB 1399, HB 1478.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 4, 2003: HCR 3004, HCR 3011, HCR 3034, HCR 3059.

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

MR. PRESIDENT: The Speaker has signed: SB 2036, SB 2044, SB 2060, SB 2061, SB 2072, SB 2085, SB 2095, SB 2096, SB 2111, SB 2173, SB 2192, SB 2193, SB 2210, SB 2215, SB 2217, SB 2223, SB 2240, SB 2299, SB 2331, SB 2368, SB 2404.

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 1190: Sens. Klein; Mutch; Every

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2030 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2030: Sens. Krebsbach; Nothing; Every

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 1005, HB 1014.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

Page 1, line 11, replace "314,621" with "314,311"

Page 1, line 12, replace "38,722" with "40,990"

Page 1, line 13, replace "353,343" with "355,301"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$318,109	\$314,621	(\$310)	\$314,311
Operating expenses	<u>41,222</u>	<u>38,722</u>	<u>2,268</u>	<u>40,990</u>
Total all funds	\$359,331	\$353,343	\$1,958	\$355,301
Less estimated income	_____	_____	_____	_____
General fund	\$359,331	\$353,343	\$1,958	\$355,301
FTE	3.00	3.00	0.00	3.00

Dept. 316 - Indian Affairs Commission - Detail of Senate Changes

	RESTORES FUNDING FOR COMPUTER REPLACEMENT ¹	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ²	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ³	TOTAL SENATE CHANGES
Salaries and wages		(\$310)		(\$310)
Operating expenses	<u>\$2,500</u>		<u>(\$232)</u>	<u>2,268</u>
Total all funds	\$2,500	(\$310)	(\$232)	\$1,958
Less estimated income	_____	_____	_____	_____
General fund	\$2,500	(\$310)	(\$232)	\$1,958
FTE	0.00	0.00	0.00	0.00

¹ This amendment restores the funding removed by the House for personal computer replacement.

² This amendment reduces funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

³ This amendment reduces funding for information technology by \$232 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

Page 1, line 11, replace "66,405" with "66,302"

Page 1, line 12, replace "73,295" with "73,398"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1014 - Children's Services Coordinating Committee - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$61,954	\$66,405	(\$103)	\$66,302
Operating expenses	58,681	73,295	103	73,398
Grants	<u>2,006,459</u>	<u>2,374,900</u>		<u>2,374,900</u>
Total all funds	\$2,127,094	\$2,514,600	\$0	\$2,514,600
Less estimated income	<u>2,127,094</u>	<u>2,514,600</u>	_____	<u>2,514,600</u>

General fund	\$0	\$0	\$0	\$0
FTE	0.70	0.80	0.00	0.80

Dept. 324 - Children's Services Coordinating Committee - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$103)	(\$103)
Operating expenses	103	103
Grants		
Total all funds	\$0	\$0
Less estimated income		
General fund	\$0	\$0
FTE	0.00	0.00

¹ The salaries and wages line item is reduced to reflect the reduction in state employee health insurance premiums from \$493 to \$488.70 per month. The funding reduced from the salaries and wages line item is added to the operating expenses line item.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1008, HB 1010, HB 1018, HB 1020, HB 1180.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1006

Page 1, line 10, replace "675,043" with "674,424"

Page 1, line 14, replace "9,160,411" with "9,159,792"

Page 1, line 15, replace "8,637,911" with "8,637,292"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1006 - Aeronautics Commission - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$682,118	\$675,043	(\$619)	\$674,424
Operating expenses	1,831,368	1,831,368		1,831,368
Capital assets	134,000	134,000		134,000
Grants	<u>6,520,000</u>	<u>6,520,000</u>		<u>6,520,000</u>
Total all funds	\$9,167,486	\$9,160,411	(\$619)	\$9,159,792
Less estimated income	<u>8,644,986</u>	<u>8,637,911</u>	<u>(619)</u>	<u>8,637,292</u>
General fund	\$522,500	\$522,500	\$0	\$522,500
FTE	6.00	6.00	0.00	6.00

Dept. 412 - Aeronautics Commission - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$619)	(\$619)
Operating expenses		
Capital assets		
Grants		
Total all funds	(\$619)	(\$619)
Less estimated income	<u>(619)</u>	<u>(619)</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008

Page 1, line 9, replace "2,987,222" with "2,984,539"

Page 1, line 11, replace "3,659,948" with "3,657,265"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1008 - Department of Financial Institutions - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,018,549	\$2,987,222	(\$2,683)	\$2,984,539
Operating expenses	<u>672,726</u>	<u>672,726</u>		<u>672,726</u>
Total all funds	\$3,691,275	\$3,659,948	(\$2,683)	\$3,657,265
Less estimated income	<u>3,691,275</u>	<u>3,659,948</u>	<u>(2,683)</u>	<u>3,657,265</u>
General fund	\$0	\$0	\$0	\$0
FTE	25.00	25.00	0.00	25.00

Dept. 413 - Department of Financial Institutions - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$2,683)	(\$2,683)
Operating expenses		
Total all funds	(\$2,683)	(\$2,683)
Less estimated income	<u>(2,683)</u>	<u>(2,683)</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1010**

Page 1, line 9, replace "426,084" with "425,568"

Page 1, line 10, replace "219,918" with "221,738"

Page 1, line 11, replace "1,559,607" with "1,415,857"

Page 1, after line 11, insert:

"Lewis and Clark bicentennial

183,750"

Page 1, line 12, replace "2,205,609" with "2,246,913"

Page 1, line 14, replace "983,394" with "1,024,698"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1010 - Council on the Arts - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$430,661	\$426,084	(\$516)	\$425,568
Operating expenses	222,918	219,918	1,820	221,738
Grants	1,415,857	1,559,607	(143,750)	1,415,857
Lewis and Clark Bicentennial	<u>183,750</u>		<u>183,750</u>	<u>183,750</u>
Total all funds	\$2,253,186	\$2,205,609	\$41,304	\$2,246,913
Less estimated income	<u>1,222,215</u>	<u>1,222,215</u>		<u>1,222,215</u>
General fund	\$1,030,971	\$983,394	\$41,304	\$1,024,698
FTE	5.00	5.00	0.00	5.00

Dept. 709 - Council on the Arts - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	RESTORES FUNDING FOR 2 NEW COMPUTERS 3	RESTORES LEWIS AND CLARK BICENTENNIAL LINE ITEM 4	RESTORES FUNDING FOR GRANTS 5	TOTAL SENATE CHANGES
Salaries and wages	(\$516)					(\$516)
Operating expenses		(\$1,180)	\$3,000			1,820
Grants				(\$183,750)	\$40,000	(143,750)
Lewis and Clark Bicentennial				183,750		183,750
Total all funds	(\$516)	(\$1,180)	\$3,000	\$0	\$40,000	\$41,304
Less estimated income						
General fund	(\$516)	(\$1,180)	\$3,000	\$0	\$40,000	\$41,304
FTE	0.00	0.00	0.00	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

² This amendment reduces the funding for information technology by \$1,180 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

³ This amendment restores funding of \$3,000 from the general fund for two new computers which was removed by the House.

⁴ This amendment restores funding of \$183,750 from the general fund to the Lewis and Clark Bicentennial line item which was transferred to the grants line item by the House.

⁵ This amendment restores funding of \$40,000 from the general fund for grants which was removed by the House.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1018

Page 1, line 9, replace "1,092,106" with "938,648"

Page 1, line 10, replace "3,299,168" with "308,621"

Page 1, line 11, replace "all funds" with "special funds appropriation" and replace "4,391,274" with "1,247,269"

Page 1, remove lines 12 and 13

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1018 - Office of Administrative Hearings - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$949,968	\$1,092,106	(\$153,458)	\$938,648
Operating expenses	<u>313,621</u>	<u>3,299,168</u>	<u>(2,990,547)</u>	<u>308,621</u>
Total all funds	\$1,263,589	\$4,391,274	(\$3,144,005)	\$1,247,269
Less estimated income	<u>1,263,589</u>	<u>1,248,095</u>	<u>(826)</u>	<u>1,247,269</u>
General fund	\$0	\$3,143,179	(\$3,143,179)	\$0
FTE	8.00	9.00	(1.00)	8.00

Dept. 140 - Office of Administrative Hearings - Detail of Senate Changes

	REMOVES FUNDING FOR INDIGENT DEFENSE FEES 1	REMOVES SALARIES AND FTE POSITION 2	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 3	TOTAL SENATE CHANGES
Salaries and wages		(\$152,632)	(\$826)	(\$153,458)
Operating expenses	<u>(\$2,990,547)</u>			<u>(2,990,547)</u>
Total all funds	(\$2,990,547)	(\$152,632)	(\$826)	(\$3,144,005)
Less estimated income			<u>(826)</u>	<u>(826)</u>
General fund	(\$2,990,547)	(\$152,632)	\$0	(\$3,143,179)
FTE	0.00	(1.00)	0.00	(1.00)

¹ This amendment removes the funding for indigent defense fees and the related responsibilities which were transferred from the judicial branch by the House pursuant to House Bill No. 1044. The indigent defense program will be funded in House Bill No. 1002 (Judicial Branch).

² This amendment removes the salaries and wages and related FTE position for administering the indigent defense contracts.

³ This amendment reduces funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1020

Page 1, line 2, after "education" insert "; to require a report to the budget section; to provide statements of legislative intent; and to provide for a transfer from the student loan trust fund"

Page 1, line 10, replace "2,969,634" with "2,966,641"

Page 1, line 11, replace "621,845" with "958,398"

Page 1, line 12, replace "19,637,083" with "19,291,883"

Page 1, after line 13, insert:
"Workforce training 1,350,000"

Page 1, line 14, after "grants" insert "- Category I" and replace "357,452" with "357,452"

Page 1, after line 14, insert:
"Postsecondary education vocational grants - Category II 1,000,000"

Page 1, line 15, replace "24,211,774" with "26,550,134"

Page 1, line 16, replace "10,874,593" with "11,874,500"

Page 1, line 17, replace "13,337,181" with "14,675,634"

Page 1, after line 17, insert:

"SECTION 2. POSTSECONDARY EDUCATION VOCATIONAL GRANTS - CATEGORY II - REPORT TO THE BUDGET SECTION. The postsecondary education vocational grants - category II line item in section 1 is to provide funding for career and technical education programs offered through the North Dakota university system in high demand occupations and growth industries in North Dakota. The state board for vocational and technical education shall report to the December 2004 meeting of the budget section on the distribution of the postsecondary education vocational grants - category II for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 3. LEGISLATIVE INTENT - 2005-07 BIENNIUM GRANTS. It is the intent of the fifty-eighth legislative assembly that the executive budget recommend continued funding for the postsecondary education vocational grants - category II for the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 4. LEGISLATIVE INTENT - HIGHER EDUCATION FUNDING. It is the intent of the fifty-eighth legislative assembly that the funds totaling \$2,350,000 included in the state board for vocational and technical education for workforce training and for postsecondary education grants - category II be considered by the North Dakota university system as a part of higher education's share of total general fund spending.

SECTION 5. STUDENT LOAN TRUST FUND TRANSFER. The industrial commission shall transfer to the state board for vocational and technical education the sum of \$1,000,000 from the North Dakota student loan trust fund, appropriated for the postsecondary education vocational grants - category II in section 1 of this Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - Vocational Education - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,001,677	\$2,969,634	(\$2,993)	\$2,966,641
Operating expenses	621,845	621,845	336,553	958,398
Grants	20,037,083	19,637,083	(345,200)	19,291,883
Adult farm management	625,760	625,760		625,760
Workforce training	1,350,000		1,350,000	1,350,000
Postsecondary education	357,452	357,452	(357,452)	

vocational grants			357,452	357,452
Postsecondary education vocational grants - Category I				
Postsecondary education vocational grants - Category II			1,000,000	1,000,000
Total all funds	\$25,993,817	\$24,211,774	\$2,338,360	\$26,550,134
Less estimated income	<u>10,875,297</u>	<u>10,874,593</u>	<u>999,907</u>	<u>11,874,500</u>
General fund	\$15,118,520	\$13,337,181	\$1,338,453	\$14,675,634
FTE	27.50	27.50	0.00	27.50

Dept. 270 - Vocational Education - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	RESTORES WORKFORCE TRAINING FUNDS REMOVED BY THE HOUSE ³	ADDS FUNDS FOR POSTSECONDARY GRANTS - CATEGORY II ⁴	TRANSFERS FUNDING FOR POSTSECONDARY GRANTS - CATEGORY I ⁵	TRANSFERS FUNDING FROM GRANTS TO OPERATING EXPENSES ⁶
Salaries and wages	(\$2,993)					
Operating expenses		(\$8,647)				\$345,200
Grants						(345,200)
Adult farm management						
Workforce training			\$1,350,000			
Postsecondary education vocational grants					(\$357,452)	
Postsecondary education vocational grants - Category I					357,452	
Postsecondary education vocational grants - Category II				\$1,000,000		
Total all funds	(\$2,993)	(\$8,647)	\$1,350,000	\$1,000,000	\$0	\$0
Less estimated income	<u>(93)</u>			<u>1,000,000</u>		
General fund	(\$2,900)	(\$8,647)	\$1,350,000	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

TOTAL
SENATE
CHANGES

Salaries and wages	(\$2,993)
Operating expenses	336,553
Grants	(345,200)
Adult farm management	
Workforce training	1,350,000
Postsecondary education vocational grants	(357,452)
Postsecondary education vocational grants - Category I	357,452
Postsecondary education vocational grants - Category II	1,000,000
Total all funds	\$2,338,360
Less estimated income	<u>999,907</u>
General fund	\$1,338,453
FTE	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

² This amendment reduces funding for information technology by \$8,647 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

³ This amendment restores funding of \$1,350,000 for workforce training which the House had transferred to the Department of Commerce in House Bill No. 1019.

⁴ This amendment adds funds of \$1,000,000 to a new line item, Postsecondary education vocational grants - Category II, for grants to support existing programs.

⁵ This amendment transfers the \$357,452 for Postsecondary education vocational grants to postsecondary education vocational grants - Category I.

⁶ This amendment transfers a total of \$345,200 from the grants line item to the operating expenses line item for proper classification of the funds. Of the \$345,200, \$245,200 is for the transition to teaching grant, and \$100,000 is for the career development web site.

This amendment also adds four sections to the bill, Sections 2, 3, 4, and 5. Section 2 requires the State Board for Vocational and Technical Education to report to the Budget Section on the distribution of the postsecondary education vocational grants - Category II. Section 3 is a section of legislative intent encouraging the executive budget to recommend funding the postsecondary education vocational grants - Category II for the 2005-07 biennium, and Section 4 is a section of legislative intent that the North Dakota University System consider funds for the workforce training and postsecondary education grants - Category II as part of higher education's share of the general fund spending. Section 5 transfers \$1 million from the student loan trust for postsecondary education vocational grants - Category II.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1180

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new sections to chapter 54-44.4 of the North Dakota Century Code, relating to procurement of services, competitive sealed bid proposals, small purchases, and protested solicitations and awards; to amend and reenact sections 44-08-05.1, 54-44.4-01, 54-44.4-02, and 54-44.4-04, subsections 1 and 2 of section 54-44.4-05, section 54-44.4-06, and subsections 1, 2, and 4 of section 54-44.4-09 of the North Dakota Century Code, relating to purchasing policy, purchasing by the office of management and budget, solicitation criteria, exempt records, limited competitive and noncompetitive purchases, multistep sealed bids, and vendor registration; to require the director of the office of management and budget to study the state procurement process; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-08-05.1 of the North Dakota Century Code is amended and reenacted as follows:

44-08-05.1. Vouchers - Requirements for approval - Penalty - Action for violations. Any public officer or employee who has the power to approve a voucher for a department, agency, or institution for travel expenses or any other state expenditure of public funds shall determine before approving ~~such the~~ voucher ~~the following~~:

1. That the expenditure for travel or other expenditures were for lawful and official purposes.
2. If for travel expense, that the travel actually occurred, and that the sums claimed for travel expenses are actually due the individual who is seeking reimbursement, allowance, or payment.
3. If the voucher is for expenditure other than travel expense, that the expenditure is lawful and that the voucher contains no false claims.

For purchases made with the use of a purchasing card authorized under ~~subsection 8 of section 54-44.4-02~~ section 11 of this Act, an employee of the office of management and budget designated by the director of the office of management and budget, on behalf of all agencies, may review and approve vouchers under this section and make payments pursuant thereto. Any public officer or employee who willfully approves a voucher with knowledge it contains false or unlawful claims or that it does not otherwise meet the requirements of this section for approval is guilty of theft and punishable under ~~the provisions of~~ chapter 12.1-23. Any public officer or employee who, without the use of ordinary care and diligence, negligently approves a voucher for a department, agency, or institution containing false or unlawful claims or which does not otherwise meet the requirements of this section for approval is personally liable for any funds improperly expended. The director of the office of management and budget, members of the office of the budget, state auditor, or any other person who has knowledge of an actual or possible violation of this section shall make such information known to the attorney general. The attorney general shall investigate any alleged ~~violations~~ violation and, if a violation appears to exist, shall ~~criminally~~ prosecute under chapter 12.1-23 or bring a civil suit for the recovery of such funds as may actually have been improperly paid against the payee and officer or employee who approved such voucher in violation of ~~any of~~ the above requirements or shall bring both such criminal action and civil suit. The officer or employee who approves any voucher negligently has the right of subrogation against the payee of such voucher in the event public funds have been improperly paid to the payee.

SECTION 2. AMENDMENT. Section 54-44.4-01 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-01. Declaration of policy - Definitions. It is hereby declared to be state policy to provide comprehensive purchasing services based upon sound procurement practices and principles wherein, through full competition with fair and equal opportunity to all qualified persons ~~and firms~~ to sell to the state, each state agency and institution shall obtain its necessary ~~supplies commodities and equipment~~ services at competitive cost, consistent with quality, time, and performance requirements, except as otherwise provided by law. As used in this chapter, unless the context requires otherwise:

1. "Commodities" means all property, including equipment, supplies, materials, printing, insurance, and leases of equipment.
2. "Procurement officer" means an individual duly authorized to enter and administer purchasing contracts and make written determinations with respect thereto and also includes an authorized representative acting within the limits of authority.
3. "Professional services" means those services requiring special knowledge, education, or skills when the qualifications and experience of the individual rendering the services are of primary importance and the individual is required to exercise professional judgment. Professional services providers include appraisers, attorneys, accountants, psychologists, physicians, dentists, planners, analysts, and consultants. The term includes human services under which a person provides direct health or social welfare services to the citizens on behalf of the state. The term does not include services defined in section 54-44.7-01.
4. "Purchasing agency" means a governmental entity in the executive branch of government other than the office of management and budget which is authorized by this chapter, rules adopted under this chapter, written policy of the office of management and budget, or by way of delegation from the office of management and budget to enter purchasing contracts for commodities and services.
5. "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports that are merely incidental to the required performance. The term does not include professional services.

SECTION 3. AMENDMENT. Section 54-44.4-01 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-01. Declaration of policy - Definitions. It is hereby declared to be state policy to provide comprehensive purchasing services based upon sound procurement practices and principles wherein, through full competition with fair and equal opportunity to all qualified persons ~~and firms~~ to sell to the state, each state agency and institution shall obtain its necessary ~~supplies commodities and equipment~~ services at competitive cost, consistent with quality, time, and performance requirements, except as otherwise provided by law. As used in this chapter, unless the context requires otherwise:

1. "Commodities" means all property, including equipment, supplies, materials, printing, insurance, and leases of equipment.
2. "Procurement officer" means an individual duly authorized to enter and administer purchasing contracts and make written determinations with respect thereto and also includes an authorized representative acting within the limits of authority.
3. "Professional services" means those services requiring special knowledge, education, or skills when the qualifications and experience of the individual rendering the services are of primary importance and the individual is required to exercise professional judgment. Professional services providers include appraisers, attorneys, accountants, psychologists, physicians, dentists, planners, analysts, and consultants. The term includes human services under which a person provides direct health or social welfare services to the citizens on behalf of the state. The term does not include services defined in section 54-44.7-01.

4. "Purchasing agency" means a governmental entity in the executive branch of government other than the office of management and budget which is authorized by this chapter, rules adopted under this chapter, written policy of the office of management and budget, or by way of delegation from the office of management and budget to enter purchasing contracts for commodities and services.
5. "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports that are merely incidental to the required performance. The term includes professional services.

SECTION 4. AMENDMENT. Section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-02. Office of management and budget purchasing services. The office of management and budget shall purchase or lease or otherwise arrange for the procurement, for all state agencies and institutions in the executive branch of state government, all materials, furniture, fixtures, printing, insurance, services, and other commodities, ~~except the~~. The following commodities and services, however, are not subject to the procurement requirements of this chapter:

1. Land, buildings, space, or the rental thereof.
2. Telephone and telegraph service and electrical light and power services.
3. Public books, maps, periodicals, and technical pamphlets.
4. Department of transportation materials, equipment, and supplies in accordance with section 24-02-16.
5. Procurements through a contract or other instrument executed by the industrial commission under chapter 54-17.5.
6. Professional services, unless the office of management and budget agrees to procure professional services in response to an agency's written request.
7. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
7. Emergency purchases the office of management and budget cannot make within the required time and which involve public health or public safety, or when immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services. Emergency purchases must be made with the level of competition practicable under the circumstances, and a written determination of the basis for the emergency and for the selection of the particular contractor must be included in the contract file.
8. ~~Such specific items or items~~
9. Commodities and services costing less than a specified amount as determined and indicated by written directive by the director of the office of management and budget. The director may organize and administer, including by contract with a provider, a system of procurement for items agencies are authorized to purchase under this subsection which includes use of a procurement card. If the director establishes and administers a purchasing card system, the director may designate which agencies are required to use it for purchasing of items designated under this subsection costing less than a specified amount designated in writing by the director.
10. Specified commodities and services as determined by written directive by the director of the office of management and budget.
11. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services.

All purchases made by the office of management and budget or a state agency or institution to which authority to purchase has been delegated by the office of management and budget must be made in accordance with this chapter, rules adopted under this chapter, and written policies of the office of management and budget. The office of management and budget shall purchase ~~items~~ commodities or services as requested by agencies and institutions under the jurisdiction of the state board of higher education and the legislative and judicial branches of state government. The agencies and institutions under the jurisdiction of the state board of higher education, with the office of management and budget, shall make such joint purchases of like ~~items~~ commodities or services of high common usage as determined jointly by the agencies and institutions under the jurisdiction of the state board of higher education and the office of management and budget as will result in less cost to the state. The office of management and budget, pursuant to terms and conditions imposed by it, may agree with political subdivisions that have organized a purchasing group pursuant to a joint powers agreement under chapter 54-40.3 to cooperatively purchase certain specific ~~items~~ commodities or services designated by the office of management and budget if the cooperative purchase will result in a benefit to the state and to the political subdivisions participating in the joint powers agreement.

SECTION 5. AMENDMENT. Section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-02. Office of management and budget purchasing services. The office of management and budget shall purchase or lease or otherwise arrange for the procurement, for all state agencies and institutions in the executive branch of state government, all materials, furniture, fixtures, printing, insurance, services, and other commodities, ~~except the~~. The following commodities and services, however, are not subject to the procurement requirements of this chapter:

1. Land, buildings, space, or the rental thereof.
2. Telephone and telegraph service and electrical light and power services.
3. Public books, maps, periodicals, and technical pamphlets.
4. Department of transportation materials, equipment, and supplies in accordance with section 24-02-16.
5. ~~Professional services, unless the office of management and budget agrees to procure professional services in response to an agency's written request~~ Procurements through a contract or other instrument executed by the industrial commission under chapter 54-17.5.
6. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
7. Emergency purchases the office of management and budget cannot make within the required time and which involve public health or public safety, or when immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services. Emergency purchases must be made with the level of competition practicable under the circumstances, and a written determination of the basis for the emergency and for the selection of the particular contractor must be included in the contract file.
8. ~~Such specific items or items~~ Commodities and services costing less than a specified amount as determined and indicated by written directive by the director of the office of management and budget. The director may organize and administer, including by contract with a provider, a system of procurement for items agencies are authorized to purchase under this subsection which includes use of a procurement card. If the director establishes and administers a purchasing card system, the director may designate which agencies are required to use it for purchasing of items designated under this subsection costing less than a specified amount designated in writing by the director.

9. Specified commodities and services as determined by written directive by the director of the office of management and budget.
10. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services.

All purchases made by the office of management and budget or a state agency or institution to which authority to purchase has been delegated by the office of management and budget must be made in accordance with this chapter, rules adopted under this chapter, and written policies of the office of management and budget. The office of management and budget shall purchase ~~items~~ commodities or services as requested by agencies and institutions under the jurisdiction of the state board of higher education and the legislative and judicial branches of state government. The agencies and institutions under the jurisdiction of the state board of higher education, with the office of management and budget, shall make such joint purchases of like ~~items~~ commodities or services of high common usage as determined jointly by the agencies and institutions under the jurisdiction of the state board of higher education and the office of management and budget as will result in less cost to the state. The office of management and budget, pursuant to terms and conditions imposed by it, may agree with political subdivisions that have organized a purchasing group pursuant to a joint powers agreement under chapter 54-40.3 to cooperatively purchase certain specific ~~items~~ commodities or services designated by the office of management and budget if the cooperative purchase will result in a benefit to the state and to the political subdivisions participating in the joint powers agreement.

SECTION 6. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Procurement of services. All services purchased by the office of management and budget or by an agency or institution in the executive branch of state government must comply with the standards and guidelines for procurement of services established by the office of management and budget. Before March first of each year, each agency or institution in the executive branch of state government which purchases services shall file with the office of management and budget a report regarding the services purchased the preceding year. The report must be provided on forms established and made available by the office of management and budget.

SECTION 7. AMENDMENT. Section 54-44.4-04 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-04. Office of management and budget - Rules. The office of management and budget shall adopt, ~~pursuant to~~ in accordance with the procedures provided by chapter 28-32, rules necessary to administer this chapter. The written directives issued by the director exercising authority provided in ~~subsection 8 of section sections 54-44.4-02 and section 54-44.4-03 need not be adopted as rules under~~ in accordance with chapter 28-32.

SECTION 8. AMENDMENT. Subsections 1 and 2 of section 54-44.4-05 of the North Dakota Century Code are amended and reenacted as follows:

1. Except as otherwise provided in sections 44-08-01 and 25-16.2-02, and in this ~~section~~ chapter, purchasing contracts must be awarded through a competitive bidding process to the lowest responsible bidder considering conformity with specifications, terms of delivery, and quality and serviceability, unless it is determined to be advantageous to the state to select a contractor through a competitive proposal process using other or additional criteria. The ~~office of management and budget~~ procurement officer may reject any or all bids or negotiate for a lower price with a successful bidder. Each bid received, with the name of the bidder, must be recorded. The office of management and budget may enter into term contracts for the acquisition of commodities or services and may make multiple awards for term commodity or service contracts when it deems a multiple award to be in the best interests of the state. ~~Until the date and time set for receiving and opening bids and proposals pursuant to a request for bids or proposals, all~~ All bids and proposals received under this chapter pursuant to a competitive sealed bid are exempt records under subsection 5 of section 44-04-17.1 until the date and time the bids are opened.

2. The office of management and budget shall adopt rules specifying the circumstances under which competition may be waived or limited, when negotiation may be used, and specifying the required justifications and procedures for using those methods of purchasing. The circumstances that may permit limited competitive, noncompetitive, or negotiated purchases include:
 - a. The commodity or service is available from only one ~~supplier~~ source.
 - b. The commodity or service is available from another governmental entity's contract.
 - c. The commodity or service is to be purchased for experimentation or trial.
 - d. ~~Competitive bidding has failed to produce a bidder~~ No acceptable bid or proposal was received pursuant to a competitive bidding or competitive proposal process.
 - e. Commodities are being purchased for over-the-counter resale.
 - f. Acceptable ~~goods~~ commodities or services are produced or provided by correctional institutions or other government agencies.
 - g. The anticipated cost of purchasing specified ~~goods~~ commodities or services is less than an amount determined by the office of management and budget which would justify the expense of a competitive bidding or competitive proposal process.
 - h. A used commodity is advantageous to the state and the commodity is available only on short notice.
 - i. The commodity is a component or replacement part for which there is no commercially available substitute and which can be obtained only from the manufacturer.
 - j. Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment.
 - k. The agency provides documentation indicating that the services or the circumstances are of such a nature that deviation from the procurement procedure is appropriate.

SECTION 9. AMENDMENT. Section 54-44.4-06 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-06. All purchases to be made in accordance with specifications - Multistep sealed bids.

1. For purposes of this chapter, specification means a description of all required physical, design, performance, functional, and other characteristics of ~~an item~~ a commodity or service the purchaser requires and, consequently, what a bidder must offer. ~~All purchases made by the office of management and budget, institutions of higher education, or any state agency or institution to which authority to purchase has been delegated, must be made in accordance with written policies of the office of management and budget and the agencies and institutions under the jurisdiction of the state board of higher education.~~ The office of management and budget and institutions of higher education shall develop similar specifications for purchases of ~~items~~ commodities and services of high common usage. State agencies and institutions shall provide such assistance as may be requested by the office of management and budget and the institutions of higher education in the development of specifications. The office of management and budget and the institutions of higher education shall implement such procedures as are necessary for the inspection, testing, and acceptance of ~~supplies and equipment~~ commodities or services to determine that ~~goods~~ those received are in conformity with contract specifications.

2. When it is determined to be impractical to initially prepare a purchase description to support an award based on price, a solicitation may be issued requesting the submission of unpriced offers to be followed by a competitive bidding or competitive proposal process limited to those bidders or offerors found to be qualified under the criteria set forth in the first solicitation.

SECTION 10. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Competitive sealed proposals - Exempt records.

1. A contract for commodities or services may be entered by competitive sealed proposals when a determination is made that the use of competitive sealed bidding is either not practicable or not advantageous to the state. The request for proposal must state the relative importance of price and other factors and subfactors, if any.
2. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. All proposals received pursuant to a competitive sealed proposal process are exempt records under subsection 5 of section 44-04-17.1 until an award is made.
3. Discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before award for the purpose of obtaining best and final offers. In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors.
4. Unless all proposals are rejected, award must be made to the responsible offeror whose proposal conforms to the solicitation and is determined, in writing, to be the most advantageous to the state, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file must contain the basis on which the award is made. Written notice of the award of the contract to the successful offeror must be promptly given to all offerors.

SECTION 11. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Small purchases.

1. A procurement not exceeding the amount established by written directive of the director of the office of management and budget under section 54-44.4-02 or by the state board of higher education under subsection 5 of section 15-10-17 may be made in accordance with small purchase procedures.
2. A small purchase need not be made through competitive sealed bidding or competitive sealed proposals. However, small purchases must be made with competition that is practicable under the circumstances.
3. Procurement requirements may not be artificially divided as to constitute a small purchase under this section.
4. The director of the office of management and budget may establish and administer, including by contract with a provider, a system of procurement for commodities agencies are authorized to purchase under this section. If the director establishes a purchasing card system under this subsection, the director may designate which agencies are required to use the purchasing card system for purchasing commodities under this section.

SECTION 12. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Resolution of protested solicitations and awards.

1. An interested party may protest the award of a contract, the notice of intent to award a contract, or a solicitation for commodities or services by the office of management and budget or purchasing agency under this chapter. The protest must be submitted in writing to the procurement officer responsible for the contract or solicitation within seven calendar days after the protestor knows or should have known of the facts giving rise to the protest.
2. If a contract has been awarded, the procurement officer immediately shall give notice of a protest to the contractor. In the case of pending award, a stay of award may be requested. A stay must be granted unless a written determination is made that the award of the contract without delay is necessary to protect the interests of the state.
3. If the protest is not resolved by mutual agreement, the procurement officer promptly shall send by certified mail to the protestor a written decision containing the basis for the decision and inform the protestor of the protestor's right to appeal.
4. The protestor may file an appeal of the decision rendered by the procurement officer with the director of the office of management and budget or designee. An appeal must be filed in writing within seven calendar days after the protestor receives the decision rendered by the procurement officer of the office of management and budget or the purchasing agency. The appeal must include a copy of the decision being appealed and the basis for the appeal. Within seven calendar days the director of the office of management and budget or the director's designee shall send by certified mail written notice of the decision to the protestor.

SECTION 13. AMENDMENT. Subsections 1, 2, and 4 of section 54-44.4-09 of the North Dakota Century Code are amended and reenacted as follows:

1. The office of management and budget shall establish and maintain current lists of persons that desire to provide commodities or services to the state. Every person ~~or business entity~~ that desires to bid or submit a proposal on contracts for commodities or services awarded under this chapter must be an approved vendor in order to ~~receive a request for bids or proposals. Unless waived by the director of the office of management and budget, or the director's designee, a bid or proposal may not be considered under this section from any vendor that is not approved~~ be placed on the bidders list. The office of management and budget or the purchasing agency shall use the list when issuing invitation for bids or request for proposals over the amount established for small purchases, except as otherwise provided in this section.
2. To become an approved vendor a person ~~or business entity~~ shall file an application with the office of management and budget. The application must contain information requested by the office of management and budget, including business and persons' names, telephone numbers, addresses, federal tax identification numbers, type of business organization, ~~other permits or licenses issued by this state and related numbers, the nature of the business and the products sold,~~ the types of ~~bids or proposals in~~ commodities or services for which the applicant is interested, ~~references in receiving solicitations,~~ and other business information the office of management and budget determines relevant. The application must also contain a statement appointing the secretary of state as the applicant's agent for service of process pursuant to subsection 3. The application must be signed and certified by an owner, partner, or company officer authorized by company bylaws or other organizational document to bind the company. The signature requirement may include the use of an electronic signature as defined in section 9-16-01 when authorized under section 9-16-17. The office of management and budget may require proof of the signing person's authority by certified copy of appropriate company documents.
4. The ~~director of the office of management and budget, or the director's designee,~~ procurement officer may ~~waive the requirements for registration with the secretary of state as provided in this section and~~ authorize receipt

of a bid or proposal from a vendor that ~~unqualifiedly refuses to register as provided in this section if the director or the director's designee is not on the list of approved vendors if the procurement officer makes a written determination that:~~

- a. ~~A commodity is so unique and possesses such specific characteristics essential to the government program in question that it is available only from one source and not through wholesalers or retailers;~~
- b. ~~An emergency as defined in subsection 7 of section 54-44.4-02 exists; or~~
- e. ~~The commodity to be purchased is a one-time purchase for which at least two approved vendors are not available and the director of the office of management and budget, or the director's designee, determines consideration of bids or proposals from unregistered vendors is in the best interest of the state~~ it is in the best interest of the state to receive the bid or proposal. The successful bidder or offeror must become approved before the award and the existence of this approval requirement must be stated in the solicitation. If an unapproved vendor is selected for award, the vendor's bid or proposal may be rejected if that vendor fails to become approved within sixty days or within a shorter period as specified in writing by the procurement officer. Before issuing a solicitation, the procurement officer may waive the approval requirement if the procurement officer determines, in consultation with the secretary of state, that registration with the secretary of state and appointment of an agent for service of process in this state are not required. The waiver of the approval requirement must be stated in the solicitation. In the event of a tie bid or proposal, the ~~registered~~ approved vendor must be given preference.

SECTION 14. OFFICE OF MANAGEMENT AND BUDGET - PROCUREMENT STUDY. During the 2003-04 interim, the director of the office of management and budget shall conduct a comprehensive study of the state procurement process, including all relevant laws, rules, and guidelines. The director shall prepare a bill to address inefficiencies, inconsistencies, and outmoded procurement provisions discovered as a result of this study and request introduction of the bill as an agency bill in the fifty-ninth legislative assembly.

SECTION 15. EFFECTIVE DATE. Sections 3, 5, and 6 of this Act become effective on July 1, 2004.

SECTION 16. EXPIRATION DATE. Sections 2 and 4 of this Act are effective through June 30, 2004, and after that date are ineffective."

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1103.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1471.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1471

Page 1, line 1, after "to" insert "create and enact a new subsection to section 57-38.4-02 of the North Dakota Century Code, relating to the tax on the water's edge filing method; to"

Page 1, line 2, replace "subsection" with "subsections", after "1" insert "and 3", remove "and", and after "57-38-30" insert ", and subsection 3 of section 57-38-40"

Page 1, line 4, after the comma insert "net operating losses," and remove "to repeal chapter 57-38.4 of the North Dakota"

Page 1, line 5, remove "Century Code, relating to the corporate income tax water's edge filing election;"

Page 6, after line 6, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 57-38-01.3 of the North Dakota Century Code is amended and reenacted as follows:

3. The sum calculated pursuant to subsection 1 must be reduced by the amount of any net operating loss that is attributable to North Dakota sources. If the net operating loss that is attributable to North Dakota sources exceeds the sum calculated pursuant to subsection 1, the excess may be ~~carried back or~~ carried forward for the same time period that an identical federal net operating loss may be ~~carried back or~~ carried forward. If a corporation uses an apportionment formula to determine the amount of income that is attributable to North Dakota, the corporation must use the same formula to determine the amount of net operating loss that is attributable to North Dakota. In addition, no deduction may be taken for a ~~carryback or~~ carryforward when determining the amount of net operating loss that is attributable to North Dakota sources."

Page 6, line 14, replace "two-tenths" with "six-tenths"

Page 6, line 16, remove the overstrike over "~~four and~~" and replace "three and two-tenths" with "one-tenth"

Page 6, line 19, replace "four and three-tenths" with "five and six-tenths"

Page 6, line 21, replace "five" with "six"

Page 6, line 23, overstrike "and not in excess of fifty"

Page 6, line 24, overstrike "thousand dollars," and replace "six and five-tenths" with "seven"

Page 6, line 25, overstrike "f. On all taxable income above fifty thousand dollars, at the rate of" and remove "seven"

Page 6, line 26, overstrike "and", remove "five-tenths", and overstrike "percent."

Page 7, replace lines 1 and 2 with:

"SECTION 5. AMENDMENT. Subsection 3 of section 57-38-40 of the North Dakota Century Code is amended and reenacted as follows:

3. A corporation may file a claim for credit or refund of an overpayment of tax resulting from the carryback of a net operating loss under subsection 3 of section 57-38-01.3, or resulting from a federal capital loss carryback, within three years after the prescribed due date for filing the return, including extensions, for the tax year in which the loss was incurred. The provisions of this subsection applicable to net operating losses are effective ~~ineffective~~ for loss years beginning after December 31, ~~1986~~ 2002.

SECTION 6. A new subsection to section 57-38.4-02 of the North Dakota Century Code is created and enacted as follows:

In addition to the tax imposed under subsection 1 of section 57-38-30, there is imposed an additional tax of three and one-half percent of taxable income which must be levied, collected, and paid annually in the same manner as provided in chapter 57-38.

Page 7, line 3, replace "This Act is" with "Sections 1, 2, 4, and 6 of this Act are"

Page 7, line 4, replace "2002" with "2003. Sections 3 and 5 of this Act are effective for net operating losses incurred in taxable years beginning after December 31, 2002"

ReNUMBER accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3005.

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3005

Page 1, line 1, after "resolution" replace the remainder of the resolution with "for the amendment of section 16 of article XI of the Constitution of North Dakota, relating to the qualifications for membership in the state's militia; and to provide an effective date.

STATEMENT OF INTENT

This measure provides an exception to the age, gender, and residency requirements for the militia by allowing volunteers.

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

That the following proposed amendment to section 16 of article XI of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2004, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 16 of article XI of the Constitution of North Dakota is amended and reenacted as follows:

Section 16. The militia of this state shall consist of all able-bodied male ~~persons~~ individuals residing in the state, between the ages of eighteen and forty-five years, ~~except such as may be~~ individuals exempted by the laws of the United States or of this state, ~~and consists of individuals who volunteer and are accepted for service in the militia of this state.~~ Persons Individuals whose religious tenets or conscientious scruples forbid them to bear arms ~~shall~~ may not be compelled to do so in times of peace, but shall pay an equivalent for a personal service.

SECTION 2. EFFECTIVE DATE. If approved by the voters, this measure becomes effective on August 1, 2004."

Renumber accordingly

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2032, SB 2118, SB 2242, SB 2245, SB 2246, SB 2251, SB 2254, SB 2262, SB 2275, SB 2296, SB 2297, SB 2322.

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

MR. SPEAKER: The President has signed: HB 1066, HB 1087, HB 1271, HB 1325, HB 1358, HB 1399, HB 1478, HCR 3004, HCR 3011, HCR 3034, HCR 3059.

REPORT OF CONFERENCE COMMITTEE

HB 1092, as engrossed: Your conference committee (Sens. Klein, Espgaard, Heitkamp and Reps. Ruby, Nottestad, Thorpe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1078-1078 and place HB 1092 on the Seventh order.

Engrossed HB 1092 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1112, as engrossed: Your conference committee (Sens. Nething, Espgaard, Bercier and Reps. Ruby, Weisz, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 969, adopt amendments as follows, and place HB 1112 on the Seventh order:

That the Senate recede from its amendments as printed on page 969 of the House Journal and page 703 of the Senate Journal and that Engrossed House Bill No. 1112 be amended as follows:

Page 3, line 6, overstrike "Official or" and insert immediately thereafter "Except for publicly owned vehicles that provide service beyond the agency's jurisdiction, official," after "owned" insert an underscored comma, and after "emergency" insert an underscored comma

Page 3, line 7, overstrike "may not be required to pay" and insert immediately thereafter "are not subject to"

Renumber accordingly

Engrossed HB 1112 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1197, as engrossed: Your conference committee (Sens. Erbele, Urlacher, Nichols and Reps. Pollert, Uglem, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 984-985 and place HB 1197 on the Seventh order.

That the Senate recede from its amendments as printed on page 984 of the House Journal and pages 795 and 796 of the Senate Journal and that Engrossed House Bill No. 1197 be amended as follows:

Page 1, line 3, after the first comma insert "60-02.1-29," and after the second comma insert "60-02.1-31, 60-02.1-32, 60-02.1-33, and 60-02.1-34, subsection 3 of section 60-02.1-35, and sections 60-02.1-37,"

Page 1, after line 10, insert:

"SECTION 2. AMENDMENT. Section 60-02.1-29 of the North Dakota Century Code is amended and reenacted as follows:

60-02.1-29. Appointment of commission. Upon the insolvency of any licensee, the commission shall apply to the district court of Burleigh County, ~~North Dakota~~ for authority to take all action necessary to act as trustee of the trust fund described in section 60-02.1-30. Upon notice to the licensee as the court ~~shall prescribe~~ prescribes, but not exceeding twenty days, or upon waiver of notice in writing by the licensee, the court shall hear and determine the application in a summary manner. If the court determines that the licensee is insolvent within the meaning of this chapter and that it would be in the best interests of the ~~claimants~~ receiptholders that the commission secure and execute the trust, the court shall issue an order granting the application, without bond, and the commission shall proceed to exercise its authority without further direction from the court.

Upon the filing of the commission's application, the court may issue ex parte a temporary order to preserve or protect the assets of the trust fund until the court issues its order granting or denying the application."

Page 1, line 14, remove "noncredit-sale" and overstrike "claimants" and insert immediately thereafter "noncredit-sale receiptholders"

Page 2, after line 8, insert:

"SECTION 4. AMENDMENT. Section 60-02.1-31 of the North Dakota Century Code is amended and reenacted as follows:

60-02.1-31. Joinder of surety - Deposit of proceeds. Each surety on the insolvent licensee's bonds must be joined as a party to the insolvency proceeding. If it is in the best interests of the ~~claimants~~ receiptholders, the court may order a surety to deposit some or all of the penal sum of the bond into the trustee's trust account pending determination of the surety's liability under the bond.

SECTION 5. AMENDMENT. Section 60-02.1-32 of the North Dakota Century Code is amended and reenacted as follows:

60-02.1-32. Notice to ~~claimants~~ receiptholders. Upon its appointment, the commission may take possession of relevant books and records of the licensee. The commission shall publish a notice of its appointment once each week for two consecutive weeks in all daily newspapers in the state and may notify, by ordinary mail, ~~potential claimants~~ the holders of record of outstanding receipts disclosed by the licensee's records. The notice must require ~~claimants~~ outstanding receiptholders to file their claims with the commission along with the receipts or other evidence of the claims required by the commission. If ~~a claimant~~ an outstanding receiptholder fails to submit a claim within forty-five days after the last publication of the notice or a longer time set by the commission, the commission is relieved of further duty in the administration of the insolvency on behalf of the ~~claimant~~ receiptholder and the ~~claimant~~ receiptholder may be barred from participation in the trust fund. ~~Claimants~~ Outstanding receiptholders are not parties to the insolvency action unless admitted by the court upon a motion for intervention.

SECTION 6. AMENDMENT. Section 60-02.1-33 of the North Dakota Century Code is amended and reenacted as follows:

60-02.1-33. Remedy of ~~claimants~~ receiptholders. No ~~claimant~~ receiptholder has a separate claim for relief upon any insolvent licensee's bond, nor for insurance, nor against any person converting grain, nor against any other ~~claimant receiptholder~~, except through the trustee, unless, upon demand of five or more ~~claimants~~ receiptholders, the commission fails or refuses to apply for its own appointment or unless the district court denies the application. ~~Provisions of this~~ This chapter ~~does~~ not prohibit any ~~claimant~~ receiptholder, either individually or in conjunction with other ~~claimants~~ receiptholders, from pursuing concurrently any other remedy against the person or property of the licensee.

SECTION 7. AMENDMENT. Section 60-02.1-34 of the North Dakota Century Code is amended and reenacted as follows:

60-02.1-34. Commission to marshal trust assets. Upon its appointment, the commission shall marshal all of the trust fund assets. The commission may maintain suits in the name of the state of North Dakota for the benefit of all ~~claimants~~ receiptholders against the licensee's bonds, insurers of grain, any person who may have converted any grain, and any person who may have received preferential treatment by being paid by the insolvent licensee after the first default.

SECTION 8. AMENDMENT. Subsection 3 of section 60-02.1-35 of the North Dakota Century Code is amended and reenacted as follows:

3. Settle and compromise any action when it will be in the best interests of the ~~claimants~~ receiptholders.

SECTION 9. AMENDMENT. Section 60-02.1-37 of the North Dakota Century Code is amended and reenacted as follows:

60-02.1-37. Report of trustee to court - Approval - Distribution.

1. Upon the receipt and evaluation of claims, the commission shall file with the court a report showing the amount and validity of each claim after recognizing ~~relevant~~:
- 1- a. ~~Liens~~ Relevant liens or pledges.
- 2- b. ~~Assignments~~ Relevant assignments.
- 3- c. ~~Deductions~~ Relevant deductions due to advances or offsets accrued in favor of the licensee.
- 4- d. In case of relevant cash claims or checks, the amount of the claim, with interest from the date of default at the weighted average prime rate charged by the Bank of North Dakota.
2. The report must also contain the proposed distribution of the trust fund assets, less expenses incurred by the commission in the administration of the insolvency. If the trust fund is insufficient to redeem all claims in full, the report should list the funds as prorated.
3. The court shall set a hearing and the appropriate notice for interested persons to show cause why the commission's report should not be approved and distribution of the fund be made as proposed. Copies of the report and notice of hearing must be served by the commission by certified mail upon the licensee and the surety and by ordinary mail upon all ~~claimants~~ persons having claims filed with the commission.
4. Any aggrieved person having an objection to the commission's report shall file the objection with the court and serve copies on the commission, the licensee, and the surety at least ten days before the hearing. Failure to file and serve objections in the time set is a waiver of the objection.
5. Following the hearing, the court shall approve or modify the report and issue an order directing payment of the necessary bond proceeds, distribution of the trust fund, and discharge of the commission from its trust."

Page 3, line 27, remove "section 1 of" and replace "Act" with "chapter"

Page 4, line 16, replace "fifty" with "eighty"

Page 4, line 22, replace "Act" with "chapter"

Page 4, line 25, replace "Act" with "chapter"

Page 5, line 3, remove "section 1 of" and replace "Act" with "chapter"

Renumber accordingly

Engrossed HB 1197 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1486, as engrossed: Your conference committee (Sens. Klein, Urlacher, Nichols and Reps. Nicholas, Uglem, Boe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1012-1012 and place HB 1486 on the Seventh order.

Engrossed HB 1486 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

SB 2019, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "15,300,190" with "15,373,582"

Page 1, line 11, replace "9,466,219" with "9,491,219"

Page 1, line 13, replace "3,602,050" with "3,552,050"

Page 1, line 14, replace "6,881,931" with "6,881,415"

Page 1, line 18, replace "1,338,069" with "1,337,553"

Page 1, line 19, replace "800,000" with "400,000"

Page 1, line 20, replace "40,218,403" with "39,865,763"

Page 2, line 9, replace "\$800,000" with "\$400,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Game and Fish Department - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$15,282,264	\$15,300,190	\$73,392	\$15,373,582
Operating expenses	9,416,219	9,466,219	25,000	9,491,219
Capital assets	2,259,944	2,259,944		2,259,944
Grants	3,602,050	3,602,050	(50,000)	3,552,050
Land habitat and deer degradation	6,886,245	6,881,931	(516)	6,881,415
Noxious weed control	300,000	300,000		300,000
Grants, gifts, and donations	150,000	150,000		150,000
Nongame wildlife conservation	120,000	120,000		120,000
Lonetree Reservoir	1,342,951	1,338,069	(516)	1,337,553
Wildlife services	<u>400,000</u>	<u>800,000</u>	<u>(400,000)</u>	<u>400,000</u>
Total all funds	\$39,759,673	\$40,218,403	(\$352,640)	\$39,865,763
Less estimated income	<u>39,759,673</u>	<u>40,218,403</u>	<u>(352,640)</u>	<u>39,865,763</u>
General fund	\$0	\$0	\$0	\$0
FTE	139.00	141.00	1.00	142.00

Dept. 720 - Game and Fish Department - Detail of House Changes

REDUCES ADDS FUNDING

	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	DECREASES THE WILDLIFE SERVICES LINE ²	GRANTS LINE FOR BOARD OF ANIMAL HEALTH ³	AND 1 NEW FTE GAME WARDEN POSITION ⁴	TOTAL HOUSE CHANGES
Salaries and wages	(\$13,313)			\$86,705	\$73,392
Operating expenses				25,000	25,000
Capital assets					
Grants			(\$50,000)		(50,000)
Land habitat and deer degradation	(516)				(516)
Noxious weed control					
Grants, gifts, and donations					
Nongame wildlife conservation					
Lonetree Reservoir	(516)				(516)
Wildlife services		(\$400,000)			(400,000)
Total all funds	(\$14,345)	(\$400,000)	(\$50,000)	\$111,705	(\$352,640)
Less estimated income	(14,345)	(400,000)	(50,000)	111,705	(352,640)
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	1.00	1.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 per month to \$488.70 per month.

² This amendment removes the \$400,000 increase that was added by the Senate to the wildlife services line, which is provided to the Agriculture Commissioner to pay for services provided by the United States Department of Agriculture Wildlife Services Agency to alleviate wildlife degradation and damage in North Dakota.

³ This amendment reduces the grants line by \$50,000 to reflect the reduction of game and fish funds given to the Board of Animal Health from \$150,000 to \$100,000 for assistance with contagious and infectious diseases of nontraditional wildlife.

⁴ This amendment authorizes the addition of one new FTE game warden position for the licensing and regulating of guides and outfitters.

REPORT OF STANDING COMMITTEE

SB 2025: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "any moneys in the health care trust fund" with "special funds"

Page 1, line 10, replace "16,300,000" with "15,450,000"

Page 1, line 11, after "Total" insert "special funds", remove "from the health care trust fund", and replace "16,300,000" with "15,450,000"

Page 1, after line 11, insert:

"SECTION 2. SPECIAL FUNDS - HEALTH CARE TRUST FUND - PERMANENT OIL TAX TRUST FUND. The total special funds appropriation line item in section 1 of this Act includes \$7,506,238 from the health care trust fund and \$7,943,762 from the permanent oil tax trust fund."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 325 - Department of Human Services - House Action

This amendment reduces the Department of Human Services deficiency appropriation by \$850,000 due to the nursing facility portion of the deficiency appropriation of \$850,000 from the health care trust fund appropriated in House Bill No. 1200.

The amendment also changes the funding source of \$7,943,762 of the \$15,450,000 deficiency appropriation from the health care trust fund to the permanent oil tax trust fund.

REPORT OF STANDING COMMITTEE

SB 2083, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2083 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 989 of the House Journal, Engrossed Senate Bill No. 2083 is amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 50-06.2 of the North Dakota Century Code, relating to disqualifying transfers for determining eligibility for service payments for elderly and disabled;"

Page 1, line 2, after "disabled" insert "; and to provide statements of legislative intent"

Page 2, line 24, remove the overstrike over "fifty", remove "twenty", and replace "all other" with "liquid" and after the period insert:

"SECTION 2. A new section to chapter 50-06.2 of the North Dakota Century Code is created and enacted as follows:

Disqualifying transfers. An individual is not eligible to receive benefits under this chapter if, at any time before or after making application, the individual or the individual's spouse has made any assignment or transfer of any asset for the purpose of making that individual eligible for the benefits. Assignment or transfer includes any action or failure to act that effects a transfer, renunciation, or disclaimer of any asset or interest in an asset that the individual might otherwise assert or have asserted, or which serves to reduce the amount that an individual might otherwise claim from a decedent's estate, a trust or similar device, or another individual obligated by law to furnish support.

SECTION 3. LEGISLATIVE INTENT - SERVICE PAYMENTS FOR ELDERLY AND DISABLED - SLIDING FEE SCALE - INCOME NOT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS. It is the intent of the fifty-eight legislative assembly that the department of human services reduce the income limit levels used for determining copayments for recipients of services under the service payments for elderly and disabled program as of April 1, 2003, by one hundred dollars for each monthly income level for recipients with liquid assets not exceeding twenty-five thousand dollars and that the department disregard a portion of income relating to verified prescription drug costs of the recipient for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. LEGISLATIVE INTENT - SERVICE PAYMENTS FOR ELDERLY AND DISABLED SLIDING FEE SCALE - INCOME EXCEEDING TWENTY-FIVE THOUSAND DOLLARS. It is the intent of the fifty-eighth legislative assembly that the department of human services reduce the income limit levels used for determining copayments for recipients of services under the service payments for elderly and disabled program as of April 1, 2003, by two hundred fifty dollars for each monthly income level for recipients with liquid assets exceeding twenty-five thousand dollars but which do not exceed fifty thousand dollars and that the department disregard a portion of income relating to verified prescription drug costs of the recipient for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 5. LEGISLATIVE INTENT - SERVICE PAYMENTS FOR ELDERLY AND DISABLED - INCOME AND ASSET VERIFICATION. It is the intent of the fifty-eighth legislative assembly that the department of human services verify all income of recipients of services under the service payments for elderly and disabled program by reviewing and maintaining information contained on federal tax forms or similar documents and that the department of human services gather information on the value of income-producing and other assets, excluding an applicant's primary home, furnishings, and personal items, for the biennium beginning July 1, 2003, and ending June 30, 2005."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2194, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2194 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 923 of the House Journal, Reengrossed Senate Bill No. 2194 is amended as follows:

Page 1, line 3, after "recipients" insert "; and to provide an expiration date"

Page 1, line 9, remove "a minimum of forty hours per month"

Page 1, line 12, replace "fifty" with "twenty-five"

Page 1, line 15, replace "Provide for an asset limit of three thousand dollars with" with "Disregard up to" and remove "asset limit of"

Page 1, line 16, remove "if the additional asset limit is"

Page 1, line 17, replace "the program" with "medical assistance and retained as an approved plan to achieve self-support"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 3

Page 2, line 4, remove "and asset criteria;"

Page 2, line 5, replace "7." with "5."

Page 2, line 7, replace "40" with "42"

Page 2, after line 10, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2005, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2232: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2232 was placed on the Sixth order on the calendar.

Page 1, line 17, after the period insert "The industrial commission may issue subordinate or residual bonds in a total principal amount not to exceed twenty-three million dollars plus costs of issuance and any reasonably required reserve whenever the industrial commission determines that it is appropriate or expedient to do so and the bonds may contain such terms and provisions as the commission may determine."

Renumber accordingly

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the fifth, seventh, ninth, twelfth, and sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 p.m., Monday, April 7, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk

